

NATVRA

et

*brenium in Englishe newelye cor-
 rected: with diuers addicions of
 statutes, booke cases, ples in
 abatements of the saide
 writtes: and theire de-
 claraciōs: and bar-
 res to the same
 added and put
 in their pla-
 ces moſte
 conue-
 niēt.*

B. 11. m.

Reynolds 1813

47

*Cum priuilegio ad im-
 primendum solum.*

NATURAL

THE HISTORY OF THE
NATURAL HISTORY OF
THE UNITED STATES OF
AMERICA
BY
JOHN R. WILSON
OF THE
BUREAU OF GEOLOGY
AND
MINERAL RESOURCES
OF THE
DEPARTMENT OF THE
INTERIOR
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Harvard University

It is sayd, that ther is a writ of right patent. and a writ of right close. A writte of righte patent shall be first brought in the courte of the Lorde, of whome the lande is holden (if it be holden of any other then of the kinge). And if it be holden of the king then it shalbee broughte in the courte of the kinge. And know ye that this writte maye be remo-
ued out of the courte of the lorde into the county by a Wolt and out of the countye to the common banke by a Pone (if the demaundant that will) And for that thys clause is putt in the writte of righte patent. Et nisi feteris, vicecomes talis comitatus faciet &c. For the writte shall be all tymes in the custodie of the demaundant, for that, that if the lorde and the Shirife wil not to him doe right, he maye remoue the plee into the common banke as is aforesaide, not putting cause in the pone. But in case that it bee remoued oute of the countye into the comon bank by a pone at the suite of the tenaunte, it beho-
ueth to put the cause in the pone. As it appereth plainly in the Register. And also the said plee maye be remoued oute of the courte of the lorde immediatly to the comon banke by a Recordare wyth cause, at the
A. ii. suite

saite of the tenant. And knowe ye that this writ hath but twoe issues, & that is to saie, ioining the mises vpon the mere. And that is to put him selfe in the great Assise of oure soueraigne lord the king or to ioine battaile, and that shalbe in the election of the tenant. And for that it behoeth that the demaundaunte haue all times his champion redye, or els he maye be deceiued. And when battaile shall bee ioined, and when great Assise. Looke in þe rewarde of the greate Assise to be chosen among other statutes. And it is said, that a dede of the auncestre with a warrantie is a barre, if the demaundaunt bring this writte of his owne possession, and not of the possession of his auncestre, for that, that he maye not ioine the issue as befoze is saide. And the iudgement of this writ is finall. And knowe ye that it is no plee in this writte, to say that the tenaunte befoze this time recovered againste the demaundaunt by accion tried in anye other writte, then in a writte of right.

Additions.

Ex. C, iii,

Knowe ye that if thee plee be remoued by a pone oute of the countye into the common banke, it is not necessarye that the shirife retourne the Wolt by whiche the ple is remoued out of the court of þe lord into the countye. For that, that the ple is
come

come into the bank by a warrant, which came to the Sherife fro thence, whiche is moze byer then the Tolt is.

Knowe ye that a recouere in a Cessant *M. xxi. C. i* against the demaundautes self, is a good barre in a writte of right, And that is by reason of the statute of Glouc. chap. iii.

But knowe ye that a recouere in A Mise *M. viii. C. ii* against him selfe is no barre.

And knowe ye that these parsones shal *M. ix* ioine the mise in a writte of right. An infant shal ioine the mise & tye it by bataille. And the tenant for terme of life shal ioine in this forme, that is to saye that he hath better right to holde for terme of his lyfe the reuerfion to one suche.

The husbände and the wife shal ioine *M. xii. C. ii* the issue as in the right of the wife, & the iudgement shalbe by the husbände & the wyfe & the heires of the wife shal holde quyte of the demaundant and of his heires.

A Prebendarie shalbe, ioine the mise *T. xlii. C. iii* by his attourney.

The husbände and the wife were receiued for deserte of the tenant for terme of lyfe and they ioined the myse in suche forme that is to say, that the tenant for terme of lyfe hath better righte to holde in the right of the husbände by a graunte made by the husbände and his wife by fine sauinge the reuerfion to them, than the

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demaundaunte hath &c.

Q. 22. C. 3.

And if a writte of right be brought against foure, euey one of them ioine the mise.

Q. 8. C. 1.

And if a person ioine the mise without praieng in ayde of the patron and the ordinary, & after make default wherby the demaundat do recouer, his successoure shall haue for y^e default, one *Iuris verum* &c.

And know ye, that the parties after the battaile ioyned shall finde suretie for theire champions, that is to saye pledges for euey one of them, but firste the tenat shall finde suretye, but these champions shall not be demaunded vpon theire sureties founde, as if they were let to magnifyse, therefore enquire the diuersitie.

Quere

A. 1. Q. 6.

And know ye, y^e it is a good chalenge to saye y^e the champion is a villaine.

Q. 29. C. 3.

And know ye that these champions shall bee appareled with white lether, and a cote of red Sédal painted wth the armes of his maister, if he haue armes, and a knight shall beare his staffe, & a custrell his target, whiche shall be of the colour of his cote. And if the champion bee at the barre his target shall be reared to y^e backe of the champion, so that the chiefe part of the target passe the hiest of his head, and it shall be holden to the backe of the champion as long as he standeth at the barre and then

then the iustices shall charge the parties principally to suffer the harnes of theire champions to be safely kepte in a place. And these iustices shall looke that ther be no manner of fraude, no; disceite entended And if default be founde in the harnes, as rolles of pzaiers, or saintes, or other thinges lyke, it shalbe amended. And the targettes shalbe of one length & bredth. And also theire stauers shalbe of one length that is to say fīue quarters, and these two shalbe put out of theire harnes,

¶ The wyttte is such.

Henricus octauus dei gracia. Anglie Fran- cie et Hibernie Rex, fidei defensor et in ter- ra Anglicane Ecclesie et Hibernie supremum caput, balliuis suis de B salutem. Prescripimus vobis; qđ sine dilatione plenum rectum teneatis J. de B. vnum mesuagium cū pertiñ in D. qđ clamat tenere de nobis per liberum seruiciū vnius denarii per annum pro omni seruicio; qđ W. R. ei deforciat. Et nisi feceritis vic. Surthe sac. Ne amplius inde clam audiamus pro defectu recti, teste me ipso apud west. ec.

¶ A wyttte of right in London is such.

Rex ec. Maiori et vic. Londoni salutem. Prescripimus vobis; quod sine dilatione plenum rectum teneatis J. de vna shopia cum pertiñ in London, quam clamat tenere de nobis per liberum seruiciū vnius denarii per annum quam W. T. ei deforciat. Ne amplius inde clamore audiamus pro defectu recti, teste ec.

A. iiii.

A wyttte

All that of right in London (whiche
 is directed to the maire and to the
 shirife of the same citie) shalbe open
 and not close, so that, that it is aswell
 directed to the Maire as to the shirifes,
 And so that, y there shall not bee sayde.
 Et nisi feceritis vicecomes South fac. for
 the plee shall not be remoned fro thence.
 But in case y the tenant vouch a fozeine
 to warrantie in the said citie. Then the
 sayd Maire and the shirifes shal adiourne
 these parties before the Justices of the co
 mon banke at a certaine daye. And shall
 sende the recozde (whiche is before them)
 to the saide iustices. And when they haue
 determined the warrantie, they shall re
 sende the saide recozde by a writte of iuge
 ment, and commaunde the saide Maire
 and shirifes that they shall procede to y
 plee in the said citie. For the iustices hath
 no power to procede after the warrantie
 determined. And the Maire and shirifes
 hath no power to make proces agaynste
 y fozein which is vouched. As it appea
 reth by the statute of Glouc. cap. xii. which
 beginneth, Puruewe est ensement que si
 home soit enpled. &c. And knowe ye that
 where the kinge hath graunted fraunchi
 ses to the citie of London, or to anye other
 towne that they shal not be enpled of
 landes or tenementes within their frau
 chises

chises, ne of anye other thinge oute of the
 same fraunchise, they may haue a byll
 whiche is called fretheforce in the nature
 of assise of nouel disseison. For, or in-
 trusion. But it behoueth that it bee
 brought within. xl. dayes after title gro-
 wen, and if not: then it behoueth that the
 saide Citizens haue other writtes oute
 of the Chauncerye into the Hustinges of
 London and if a fozeine bring assise or o-
 ther writte of tenementes in London, or
 in other towne fraunchised retournable
 before the iustices, Then the bailife of the
 fraunchise maye comme and demaunde
 knowledge of the plee by a writte of the
 king, and they shall geue a certaine daye
 in the fraunchise, and then are they of
 fraunchises as Justices of the king. But
 al maner of ples parsonalles, as Dette
 Trespas. or couenauntes, may be pleded
 in theire fraunchises by pleint withoute
 bringing anye writ at the common lawe
 there the may demaunde theire knowe-
 ledge and frachise: vt sup²a. But knowe
 ye, that if h^e fraunchise be not demaunded
 in time, that is to saye, if proces bee sued
 vnto the erigent, the fraunchise shal not
 be allowed. For that, that in suche case h^e
 fraunchise maye not make righte accor-
 ding to the proces awarded in the courte
 of the kinge. And also in a *Quare impedit*,
 though

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though the franchise be challenged it is not allowable. For that that the erection of that may not be awarded in the franchise. And also in place of lande, if the tenant make default, then the Sherwarde, or the bailiffs of the franchise at the graunde Cape retournable shall not have knowledge for that, & he maye not gene iugement vpon the default recorded in the courte of the kinge. As appeareth Pillar. 40. C. 3. in the beginning.

It is to be knowen, that euery writte whiche toucheth fre hold in lōdon ought to be directed to the Mayre and Shyrfes of London. But al other writtes whiche are at the comon lawe in the same citie, ought to be directed to the Shyrfes only.

A writ of right of dower.

A writte of
right of do-
wer is such.

Rex D. salutem Precipimus tibi: qd plenū rectum teneas D. q̄ fuit vxor C. de tertia pte vnius mesuagii cū p̄infectis in L. quā clamat tenere de te, s. de domino in dotē per liberū seruiciū tertia partis vnius denarii p̄ anni p̄o omni seruicio quod D. ei debeat. Et nisi ec. ne amplius ac tēte ec.

This writte of right of Dower lyeth where a woman hath receiued parte of her dower, and she will demaunde the reimenant againste the same tenant in the same towne, she shall bee cōpelled to the foresaide writte, and the said writt shall be

shall bee directed to the heire or his gar-
dein, if he be in warde. But if the heire
be in so greate pouertie that hee hath no
court, then it shalbe directed to the chiefe
lozde soz defaute of the heire. And thys
writte is remouable, if the Lozde wyl
not doe righte to the partie, as afoze is
sayd in a wryt of right patent. And wher
a woman is endowes and after is dis-
seised, and the disseasoz continueth long
his possession, and after the woman put-
teth him out, and the disseasoure both re-
couer by assise, the woman hath no reco-
uer, but by a writte of righte of dower,
as it is sayde. And knowe ye also, that if
the woman hath recovered parte of her
dower, and part fro her be defozced, or if
she recouer all her dower saue a certayne
parcel therto belonging, in these thwe
cases the woman shalbe compelled to de-
maunde it, by a writte of right of dower.
And knowe ye that euery maner of Bai-
leweke, or office, in whiche the husband
of the wife hath fee, whiche Bailewike
or office the wife her selfe (or any other)
in her name may sufficiently kepe, in all
suche offices, or Bailewike, shee shall
haue dower. But if it be the office of the
Stewardship, or Marshalship of Eng-
lande, which two offices she cannot by
her selfe nor by deputy, take vppon her,
there

therfore shee shal not be endowd of the.
 Knowe ye that a woman shall haue a
 wytte of right of Dowry of the halfe af-
 ter the biage & custome (as in Kent) and
 other such places called Gavelkind. But
 if the woman committe fornicacion, or
 take a husbände, shee is barred of all her
 dowry. As it appeareth by the statute of
 Prerogatiua regis in the ende, cap. xlii.
 But if she wil liue without a husbände,
 she shal be endowd of the half of al h̄ lād.

ADDICION.

D. II. C. II.

Knowe ye that a woman shall not haue
 dowry of Estouers, that is to saye Hous-
 bote, and Heybote, belonging to the free-
 holde of her husbände. For that, that if
 her husbände hadde beene deforced of the
 profite, or his heire of two partes, none
 of the shoulde haue a *precipe quod reddat*. If or
 if h̄ wife shoulde haue a *precipe quod reddat*, h̄
 heire shoulde haue it also, to ȳ euery of
 the shal haue as much as h̄ husband had.
 And for ȳ such profites maye not be par-
 ted, as charcholes in the woodes of ano-
 ther. Ne foster in fee, ne chamberlaine.
 And if suche profite discende to fīue par-
 ceners, euery one shall not haue suche
 profite, but one parcener shall haue the
 whole profite, and these other shall haue
 allowance. And so the wife shall bee al-
 lowed for her dowry.

A writte of dower.
whereof shee hath nothing.

R Ex vic. *Ad id salutem p̄cipe A quod iuste. wer whereo
ec. reddat E. q̄ fuit proz E. rationabile do- she hath no-
tem suam: que eam contingit de libero tene thing, is such
mento, quod fuit p̄dicti T. quondam viri sui in
N. vnde nihil habet vt dic. Et vnde queritur qd
p̄dictus A. ei desozceat nisi ec.*

A writte of
right of do-
wer whereo
she hath no-
thing, is such

This writte of Dower vnde nihil ha-
bet lieth in many maners, that is: to
saye, if a man mary a woman generally
speaking nothing of dower, then after y
death of her husbände, the wise maye re-
couer the thirde parte of all suche landes
oz tenementes whiche were to the hus-
bände (during the mariage betwixt the)
by this writte aforesaide.

But if she hath receiued part of her do-
wer of one man, of those landes and tene-
mentes in one towne, if shee will sue for
the remnant whiche is behinde againste
the same tenaunt of those landes and te-
nementes in the same towne. Then she
is put to her writte of right of Dower, &
not to the foresaide writ. And the proces
is graunde Cape: and petit Cape.

Proces

Addicion.

But know ye, that if a man be seysed
of foure acres of lande in one towne and
take a wife: and make a lease of one acre
for terme of life of the lesse and hath issue
and dieth seised of these thze acres, & his
heire

heire entreth: and endoweth his mother of these three acres, & after the tenant for terme of life dieth, and the issue entreth (as in his reuersion) now the wife shall haue a writte of dower *Vnde nihil habet*: of the acre whiche was lessed, and not a writte of right of dower, for that, that the heire was not tenaunt of the free hold of that acre when hee endowed his mother of these other three acres.

Another case is, when a man hath married a woman, and shee is endowed at the churchdore of certaine landes and tenementes in a place especiall, in this case though the husbande haue more or lesse when he dyeth she shall recouer by þ forsaide writte al those landes and tenementes which were to her assigned at þ churchdore in name of her dower. But if she will, she may refuse this assignement and take her dower at the common law.

An. 40, C. 3.

The thirde case is suche, when the father graunteth to his sonne to endowe his wife of all such landes and tenementes that to him ought to discede by the same father, & after that the sonne dieth, the wife shall recouer the thirde part of all the fathers lande. But in this case some men saye that if the wyfe haue no wytyng of this endowment shee shall recouer.

And

And note ye, that the wife shal be en-
dowed of landes and tenementes which **Nota.**
her husbände hadde in fee simple : oꝛ fee
taille. But in some case the wife shal bee
endowed where her husband was not sei-
sed, ne neuer in possession. As if my fa-
ther die seised of certaine landes, & tene-
mentes in his demeane as of fee, & no mā
entreteth in the land, & I dye, my wife shal
be endowed, and that is in fauour of do-
wer, & yet I was not seised of the lande.

And knowe ye, that in these cases folo- **Nota**
wing, the wife shal not bee endowed of
landes oꝛ tenementes, in which her hus-
bände was seised in fee simple, oꝛ fee tail
during the marriage.

As if land be gyven to him and to his
first wife, and to the heires of their twoe
bodies begotten, in this case the seconde
wife shal not be endowed. And yf the hus-
bände commit felony, for the which he is
attainted though he after the saide attēp-
der hee purchase his chartour of pardon
of al thos. landes whereof he was so sei-
sed before the saide attainder. But of lan-
des purchased by the husband after that
he hath his chartour of pardon, shee shal
haue dower. And in case that my aūcester
holde certaine lande of the king in chiefe
and dye seised, if I enter into my hery-
tage without proces of the lawe, and dye
seised

seised before that I haue a chartoure of
pardon of the king for my entre, my wife
shall not be endowd of the lande. Looke
in *Prerogatiua regis. Cap. xliii.* In
case the tenements be recovered against
the husbände by action tried. Or by ac-
tion against her husbände rightfully with-
out disceite or collusion pleded & iudge-
ment of the courte, Or if perpetuall de-
uorise bee had betwixte the husbände and
his wife. Except it be because of chastitie
Or if shee go away from her owne husbād
with another man and not reconciled by
her husbände of her good will withoute
cohercion of holy church. Or if her hus-
bände be villaine. Or if her husband dye
within the age of vii. yerres. Or if a mā
marry his niese. Or if her husbād lose his
land by battaile, or by great assise. Or if
the husbände haue but estate for terme of
lyfe or for yeres.

D. vii, D. viii.

I know ye that a woman shall not be
endowd of the goodes of her husbāde,
for the husbāde maye sell them or geue
them at his pleasure.

D. ii, E. ii.

A woman shall not be endowd of *C.*
flowers, that is to saye, *Housbot, Heybot*
for that, that if the husbāde hadde beene
deforced of all, or of oere of two patres,
he should not haue had a *Precipe quod reddat*,
as is before saide in a writte of righte
of

of dower.

In these cases beforesaid and in many other mo: she shal haue no dower, ne recouere by the saide writte.

And knowe ye, that by the statute of Merton. Cap. i. The wife shal recouer damages in the saide writte: so: the landes of whiche her husbände died seised. Except the ternaunt come into the court at the first day, and say that he is readye to yelde to her dower.

And knowe ye, that this writte shal be mainteined against whom so euer be in possession of the lands & tenements whiche were to her husband after the espou-selles, in what maner so euer that he is in possession. But the wyfe shal not recouer damages in these writtes, but so: lands & tenements wherof her husband died seised.

And knowe ye, that in these cases solo: *Nota*
wing, the wife shalbe endowd of lands
o: tenementes, in whic he her husbände *E. 2.*
was seised in fee simple, o: fee taile du: *H. 2.*
ringe the mariage. *E. 11.*

Knowe ye, that a woman shal be en- *H. 4.*
dowd of a byllayne in grosse, & writte *H. 2.*
shalbe de *libero tenemento*. *E. 4.*

Knowe ye, that a woman shalbe endowd of a rent charge.

In a writ of dower, the ternaunt saide
B. i. that

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that her husband was neuer sealed. And
the demaundaunt sayde that **T**. father of
the husband of **p**. demaundant dyed sealed,
by force wherof those landes descended
to her husbände, and he dyed before any
other straunger entreth. And so sealed
and of suche estate. &c. of thys season in
law the wyfe shalbe endowed.

The graundfather, father, and the son.
The graundfather holdeth of the kyng,
and dieth, the father being of ful age, ha-
vinge a wyfe and dieth, before that he sue
huere or entre: hys heyre within age.

The escheour doth seale the son, & com-
mitteth the ward of the bodye and land
to a straunger, in this case the wyfe shall
be endowed, and the wyrt lyeth agaynst
the Cardoine. But if the father had en-
tered, & died before lyuerye sued, the wyfe
shall not be endowed. For the statutes:
*Nulum accrescat ei liberum tenemen-
tum, prerogativa regis. Capitulo. 12.*

Tent was graunted to a man in fee, &
he toke a wyfe: & before the daye of pay-
ment he dyed, and the wyfe broughten
wyrt of doluer, and the tenant sayd, that
her husbände was not sealed during the
espousels. In this case the demaundaunt
may mayntayne that her husbände was
sealed, and sheve the speciall matter in
evidence, for she shal not haue the special
matter

29.4.
17.6.7.
29.38.
E.3.

E.16.
D.4.

matter by way of ple.

Tenaunt in the general tayle, made a feoffement in fee, and toke estate againe to him and to his wife in the special tayl and ha the issue and the wyfe dyeth, and after he toke an other wyfe and he dyeth. The second wife shal recouer her dower for that, that her husbände was seased of such estate. &c. But she shall haue the auerment that her husbände cōtinued his estate before of the taile. 29. 4. 2
E. 3.

Knowe ye, that if I enfeoffe one vpon condicion that he shall enfeoffe another mā before such a day, in this case though the same day he make the feoffement, yet his wife shalbe indowed. E. 3. 4.
E. 3.

If lande be recovered in value against the husband because of a warrāty made by his auncester afore the maryage, yet the wife after his death shalbe endowed. For the husband might haue aliened the land before that he was vouched, & then he should not haue yelded in value. And by consequence the title of the wife is elder. For the title of him which voucheth beginneth but the day of the voucher. E. 3.
E. 3.

If the heire after the death of his father enter and take a wyfe, & after do the endowe his mother, his wife shall be endowed of that part wherof that his mother was endowed before. For that, y he 29. 1. 5.
E. 2.

B. 11. was

Natura

was seased of the same land one time in fee. And if the lord purchase the demaine and after the meane dieth. And the wife recouer her dower by wryt, she shall not pay the thirde parte of the rent. For by the purchase the rent was extinguished And notwithstanding she shall recouer her dower, yet he may not auow, for she is not ternaunt.

A lord, meane, & ternaunt are, the ternaunte holdeth of the meane by a peny, & the meane holdeth ouer by. rr. d. the meane releaseth to the ternaunt, all the right that he hath in the lande, & the tenant dieth: his wife shall be endowd of the lande. And she shall be attendaunt to the heire of the thirde part of the peny, & not of the thirde part of the. rr. d. for she shall be endowd of the best possession of the husbande.

If I gyue lande afoze the statute, or at this daye to a manne in taylor to hold of me by a peny, and after his decease hys heire to pay to me. rr. d. for ever, he dieth his wife is endowd of the lande, & she shall be attendaunt to the heire of the thirde part of the. rr. pens, for it is all one rent and of the same rent the land is charged by cooicō in dede, and she may not haue acquitaunce of the heire, for that that the land is charged by the dede of the father of whose possession she claimeth dower.

In

In a writte of dower brought againſt the Gardein, he alegeth that ſhee hath taken away the infant which was in hys ward, and demaund iudgment of dower afoze reſtitucion, & that was a good ple: & if ſhe make not reſtitucion of the infant in like plite as he was when he was taken away, ſhe ſhall not haue dower.

In a writ of dower the caſe was ſuch. The father and the ſon are, the father is ſealed of thzee acres of lande, the father dieth, theſe thzee acres diſcend to his ſon the ſonne taketh a wife, and endoweth his mother of one acre in alowaunce of al her dower, this dower of old time deſerued, is a good ple in barre if the wife of the ſon do bring a writ of dower of that acre againſt y^e mother) notwithstanding the endowment againſt common right

In a writ of dower brought againſt a Gardayne, which ſayth that the wife withholdeth chartours and muniments concerning the heritage of the Infante that is in his warde, and if ſhe would to hym haue deliuered the chartoures, hee was redy to yelde dower, & ſo that that the deliuer of the chartours belongeth not to the Gardeyne: ſhe ſhal recouer. So it is thoughte y^e this plee lyeth not in the mouth of any man to pleade, but onely in the mouth of the heire.

Natura.

A wytt of Admesure- ment of dower.

A wytte of
Admesuremt
of dower is
uche,

Rex vitz saltem. Questus est nobis w fil et
het B. vel frater, vel consanguineus et het W.
q. a. que fuit broz C. plus habet in dotē de liber-
ro tenemento quod fuit predict C. quondam viri
sui in P. quam habere debet et ad ipsā pertinet
habend Et ideo tibi precipimus quod iuste & si-
ne dilatiōe admensuari fac. dotem illam. Ita
quod predicta P. non habeat plus in dotem de
hereditate predict W. quam habere debet, et ad
ipsam pertinet habend secundum rationabilem
dotem et quod predictus W. habeat de dote illa
ad quod habere debet et ad ipsum pertinet habē-
dum. Ne amplius &c.

This wytte of admesurement of do-
wer: lieth against the wife. And by
y statut of West. ii. cap. 7. which begin-
neth: Custodi de cetero. &c. it is giuen as
well for the gardeyne as for the heir, but
the heyre may not haue this wytt befoze
that he be of full age. And also he maye
haue a wytt to remoue thys wytt out of
the countye into the common banke.
And knowe ye: that proclamation shal-
be made in thys wytt of admesurement,
and other wyttes, as is cōteyned in the
sayde statute, and therefore loke the sta-
tute. And knowe ye that the wyfe of the
tenaunt whiche holdeth of the Kinge in
Chiefe, maye not enter in her dower be-
foze that she hath receiued her dower by
assignement of y king. And if she maye
with

without licence of the king, she shal make fine. And when she hath her dower assigned, she shall swere þ she shall not mary without licence of þ king. And if she mary without licence, vt sup^{ra}, then the lands that she hath in dower shalbe taken in þ bande of the kyng for t^{he} trespass. At p^{er}. in prerogatiua regis. Cap. iiii. And she shal make oth, as is aforesaide, and wyth that accordeth Magna Carta cap. lii. whiche b^{egyn}neth. Vidua post mortem mariti sui. &c.

¶ A wyrt of ryght, de Rationabili parte.

Rex A. de B. salutem. p^{re}st tibi plenum rectum **I** wyrtte of
 Reueas C. de B. de vno mesuagio cum p^{re}st in right de ratio-
 London, q^{uo}d clam esse rationabile partē sua, que onabili parte
 est cōtingit de libero testio quod fuit p^{re}stis, ma is such,
 tris, ffis, vel sororis sui vel sue, & tenere de se p
 liberam seruiciū quarte partis vnius denarii p
 annum pro omni seruic quod G. ei deforreat, et
 nisi feceris &c. ne amplius &c.

This wyrtte of ryght de rationabili parte:
 lieth al times betwixt futes of blood
 as betwixt brathers, systers, newewes,
 o^r neces, and not betwixt straungers.
 And yf it be broughte betwixte straun-
 gers, the wyrtte shall abate. And also it
 lyeth where myne auncestour dyed not
 leased, as if anye man whyche hath my-
 nye coheyes make a lease for certayne
 lande, rente o^r tenemente, for terme of
 B. iii. l^{ess}e

Natura.

life of the lesse, or for terme of an others
lyfe, and dyeth before that the reuercion
of the saide landes bee to hym reuerted.
And after that the lesse dieth or he for
whose life the lād was let, & one of these
coheyzes (to whom the land ought to re
uert) dothe entre, & holdeth all the other
coheyzes out, then thei which are holdē
out, shal haue the saide wrytte agaynst
that coheyre that hath entred into y^e hole
land. And knowe ye that this wryt is a
wrytte of right patent, but it shal not be
tried by Battail, or graund assise. And
this wrytte lieth not betwixt parentes
whiche claimeth by dyscende (after that
it passeth the thirde degree) but it lieth
betwixt bryethren and systren, wher the
one claimeth by chartoure, and the other
by dyscende, for this wrytte is not orde
ned, but for to trye the p^riuie of blood.
And the p^resse is a Somōs, & if he make
defaulte at the Somōs retournable, the
the graund Cape. But if he come at the
Somōs returnable and after make de
faut then the petite Cape shal be a war
ded. But if the parties come and pleade
to issue, then the p^rocesse is agaynst
the Jurpe *Venire facias, habeas corpora*, and a
distres vntil thei come. Also thei are o
ther wryttes, as of Elchete, *Droit sur*
dysclaimer, *Deane*, *Cessavit*, *Droit de*
garde

Proces.

garde, which are called wyttes of right because that they are taken by reason of the feignoz: and not because of disseisin to him, no: to their auncestour.

Item if a mā hath issue. ii. daughters Nota.
by diuers women, and dieth, their entre and make p^{ro}p^{ri}etie betwixt them, if the one dye without heire general, o: special: her parte shal eschete to the lozde, and shal not discende to her sister of the halfe bloude, but if that sister haue an vnclē, & land shal discend to the vnclē, and if the vnclē dye without heire of his body, the land shal discend to the other sister which was of the half blood, & ecōtra Quere.
re hoc. If a mā haue issue two sonnes by diuers womē and dieth, the elder dothe enter in the land, & dieth without heire of his body, the land shal discend to his vnclē. And if the vnclē die without heire of his body, the lande shal discend to the yonger brother, as cosin & heire to him.

A writ of right close.

Rex. &c. balliuis suis de A. salutē p^{re}ē vobis A writte of right close is suche.
q^{uo}d sine dilatione ac secundū cōsuetudinē manerij nostri de A. plenū rectum teneatis B. de C. de vno mesuagio cum pertinē A. quod ei de forciat, ne amplius, &c. teste. &c.

This writte of right close (whych is called after the custome of the maner) shal be all tymes broughte in the courte of auncient demeane. Also euery
writte

Natura

Wyst, that is sued vpon the custome of the
maner, is called a wystte of right close.
And thys wystte lyeth alwayes betwixt
Sokemen, which are of auncient demeane,
And know ye that a Sokemā is proper;
Is such one that is fre, and holdeth of the
king, or of any other lord of auncient
demeane, landes or tenementes in vil-
lenage, and is priuiledged in this maner, y
no man ought to put him out of his lāds
and tenementes, as long as he is able to
do his seruices, whiche to hys landes &
tenementes belongeth, no man may en-
crease the seruices of his tenant, nor cō-
strayne hym to doe mo seruyces, then he
hath don in time past. And for that these
Sokemen wer gainours of y lordes lāds
in aunciet demeane. And they ought not
to be somoned, nor trauailed, in Juries
nor enquestes, but in the maners, to whō
they belonge. But yet in ples of tres-
pas, det, and other personal accions, they
are sommoned as other people. And of
these tenautes in villenage, looke the
first statute of Ri. the. ii. cap. vi. And one
Sokeman may not emplede another of
lāds & tenement; win auncient demeane
by any other wystte then thys wystte of
right close. And in thys wystte the de-
maundaunt shal make his protestacyon
in the court, to sue hys wystte in the na-
ture

sure of what writte y he will, as his case
lyeth. And know ye, that this writt shal
not be remoued, but for a great cause, y
is to say, when the courte lacketh power
or for that, that he saith that his father
was enforced by our soueraine lord the
king, & sayth that he maye not, ne ought
not, without the king, make answer. Or
he saith that he holdeth the tenementes
which are in demaunde, at the common
lawe, by syne leued in the courte of the
king afore suche Justices, & for that the
ple may not be sued forth by this writt of
right close in the courte of auncient de-
meane, & many other causes are, where-
by this writt may not be remoued by the
records, are at the sute of the tenat. Knowe
ye that all those landes or tenementes
which are in the hand of the lord of auncient
demean, are frank fee, and pledable
at the common law. And all these landes
& tenementes wyche are in the handes of
those tenautes of auncient demean are
pledable within auncient demeane, and
not in other places. And know ye, y the
demaundant in this writte may not re-
moue h ple for cause, nor without cause,
for that, y he may not haue a Tolte to
put it into the countie, nor remoue h ple
out of h coutry into the comon bank. But
if he complaine, that right to hym is de-
nyed

Natura

nted or belaid in auncient demeane.) And
thē he shal haue a writ out of the Chaū-
cery to the shiriffe of the same county, cō-
maunding him that he go in his prop. e
person, taking with him foure knights
of his county, and go to the said court of
aunciet demeane to se that right to him
be done. The demaundāt also may haue
other writtes to helpe him, as it appea-
reth by the Register. And also the tenāt
maye haue a *superfediās*, in case that hee
bouch a sozein to warrantie in the court
of aunciet demeane. And vpon y one at-
tachement (if nede be.) And in case, y the
said landes in auncient demeane be sold
by fine without licence of thei2 lozde, he
may haue a writ of the Chauncery, for
to adnul y said fine (as it is said) or other
waies, he may haue a writ of Disceit a-
gainst his tenant that haue leuied y said
fine, & recouer his damages. vt dicūt .&c.

Addicion.

And note, whiche are good causes in
this writte to remoue one matter out of
one pticuler court into y higs court. &c.
Know ye, y it is said in Assise broughte
by the Abbot of E. &c. y it is good cause
to remoue the ple, to say y the baylie is
seruant of the pleintife. And it was said
that if one ple be remoued out of y court
of one lozde, for one cause y cause is tra-
uerſable

uerfable but of one plaint out of the coun: Quere.
 to otherwife is. Quere the diuerfite, H. 12.

In a diffe of fretheforce brought in an- H. 4.
 cient demeane, the tenaunt sued a recor-
 dare to the Shriffe, for to remoue the ple
 and the cause was that the bailiffe had a
 liuerie of the plaintife, & the plaint was
 of the freeholde. And it was holden that
 this cause was not fufficient, to put the
 court out of Jurisdiction, for the iudg-
 ment belongeth to the iutours, and not
 to the bayly. And not like to one recordare
 to remoue one plee into the countie, & to
 fhew that the Sherife hath a liuerie of the
 pleintife: there the plee fhall not be de-
 maunded for that, that the one and the
 other are the courtes of the king.

**A writte of right of Pre-
 cipe in Capite.**

Rex vobis salutem precipe d. q. iuste. et. red. I writte of
 dat B. vnum meluagium cum pertinet in C. q. right of Pre-
 clamat esse ius & hereditatem suam & tenere de no- cipe in capite
 bis in capite, et vnde queritur: quod predictus is iuste
 & ei iniuste deforceat, ut dicit. Et nisi fecerit, et
 predictus B. fecerit te securum de clam suo pro
 tunc sum. et q. sit coram iustic. et. offensuram qua-
 re non fecit, et habere. et.

This writ of Right, precipe in capite, ly-
 eth for the tenaunt whiche holdeth
 of the kinge in chiefe, as of his crowne,
 whiche tenaunt is deforced, then he shal
 haue this wyttte, and this wyttte is
 cloose

Natura

close, and shal be pleaded in the common
banke. For if anye tenaunt whiche hol-
deth of any lord be deforced, he ought to
haue a writ of right patent, which writ
shal be determined in the court of þe sayd
lord. And in the same maner, he that hol-
deth of the king in chief, as of his crowne
(if he be deforced) he shall haue a *precipe in*
Capite. But by the graunde chartour. cap.
xlii. which beginneth. *Wene quod bo-*
ratur precipe in Capite, wyl that thys writ
shall not be graunted to any man wher-
by anye free man maye lose his courte.
But if anye will haue thys writte, hee
shall sweare by his fayth þe tenement,
whych is in demaunde, is holden of the
kinge in chiefe, as of his crowne, and
of none other. But if any man purchase
the *precipe in Capite*, by false suggestiō made
in the courte of the kinge, to defraud the
chiefe lord of his courte, then the chiefe
lord shal haue a writ to cal again the ple
directed to the Iustices, that they may en-
quire if the tenementes be holden of the
kinge or of the chiefe lord. And if it be
founde, that the tenementes are holden
of the chiefe lord then the demandant
yf he wyl, maye bring his writ of right
patent in the court of the lord.

¶ And know ye, that if any man be essoi-
ned de malo lecti in writ of right, then

if the demaundant wil proue that the tenant is not so sick (but that he may come wel inough) & the enquest finde agaynste the said tenaunt, hys esoyne shall turne hym in one default. And also this esoyne lieth not but in a writte of right, where two claimeth by one discent. And that is ordeined by the statute of West. 2. ca. 17. whiche begynneth In itinere Justiciar. And vpon that the demaundant shall haue a writ out of the Chauncery to enquire (if the tenat be syck or not). And also if the tenant hath demaunded lycence to ryse & to appeare in the courte, where the writ of right hangeth. And if to him it be denied, then he shall haue a writ (which is called) *De licentia surgendi. etc.*

¶ Addition.

¶ Then the lord may recouer his court 2.7.
E.3. by two other waies, that is to say when the writ hangeth before the Justices, he may come before them & shewe hys case, how these tenementz are holden of him. And if y^e Justice see and finde hys suggestion true, the writ shall abate. Ut patet.

¶ Q^d if the demaundaunt recouer by E.1. this writte, the lorde maye after bryng E.3. a writ of disceit against the demaundant and recouer hys damages against hym. And after by petition, he shall recouer his seignory out of y^e hands of y^e king Ut p^r.

A writ

Natura

CA writ of Monstraverunt.

A writ of mon-
straverunt is
such

Rex Abbati de B. salutem Monstraverunt
nobis homines, de manerio de B. qd est de an-
tiquo dominico corone Anglie qd tu exigis ab
eis alias consuetudines et alia servicia qd facere
debent et antecessores sui tenentes de eodē ma-
nerio facere consueverūt, partibus quibus ma-
nerium illud fuit in manibus progenitorum no-
strorum quondam regum Anglie, vel in manu
nostra & ideo tibi precipim⁹ qd a prefat hominib⁹
non exigas siue exigi permittas alias consu-
etudines et servicia qd facere debent, & anteces-
sores sui predicti facere cōsueverūt temporib⁹
predictis Et nisi ad mandatu nostru hoc feceris
A. viñ nostro de B. id fieri precipim⁹. teste. &c

The writte, whiche is called *monstras-
verunt*. lieth for the tenauntes in an-
cient demeane whiche are distrained for
to make other seruices, or customes, the
they or theyr aunccestoures made in the
tyme of William Conqueroure whiche
passeth the tyme of memozy.

And knowe ye, that this writ shal be
directed to the lord, whiche demaundeth
other seruices or customes (as afoze is
saide) hym commaundinge, that he de-
maund none other seruices & customes,
but such that he & his aunccestours hathe
done in auncient demeane tenure. And
also thei maie haue a *monstraverunt* dyrec-
ted to the Sheriffe hym commaundinge
that he shal not suffer þe lord to distraine
the said tenauntes to do other seruices &
customes

customs then they ought to dooe. And know ye that if the tennaunt may not be in quiet ne peace b^y this writte, they may haue one attachement against the lord, that he be before the iustices of our soueraigne lord the king, at a certaine daye &c. And the names of all the tennautes, shalbe put in the writ, and all the tenants together shall sue the said writte, for if one tennaunt be distrained to doe other seruices or customs (then they ought to do) that shalbe in prejudice of al the other tenants, which holdeth by lyke maner of seruices. &c. When þ booke of Domesday was made, that is to saye, in þ tyme of saint Edward the king, all the landes and tenements which were in his hands at such tyme that the booke of Domesdaye was made, are called auncient demene. But the landes and tenementes whiche then were in other mennes handes, are frankefee, and pledable at the common lawe. And þ proces is a prohibition, one Proces attachement, and one distress. &c.

¶ Addition.

Knowe yethat in this writte of Monstraucunt euerye one of them maye declare severall ye, and so they maye not in other writtes but in this writte. And they may make one declaracion (if they will.) And in this writ, þ beth of one of these
 C. l. plain.

P. 36. C. 3.

plaintifes shall not abate the writte, by the opinion of the court. Notwithstanding that all be not named, yet the writte lyeth for those that wil sue, by Babb.

D. 11. C. 3.

And in this writte they shall declare of every tenure, and that the lord then distrained for mo services. And if he demand and distraine not, yet the writte lyeth for them, and they shall put in certaine, for what thing he doth distraine them. But they oughte not to alledge the daye and place in certaine, no more then in a writ of *Deane*, for a man shall haue a writte of *Deane*, though he wer neuer distrained.

D. 39. C. 3.

And also it is conuenient, that the plaintife shew, by the maner is ancient demene.

D. 41. C. 3.

And know ye, that this writte lyeth not for such men that holdeth land in ancient demene, by court rolle at the wyll of the lord.

A writ of
De iuste vex=
es is such

A writte of *De iniuste vexes*

*Rex A. salutē. Prohibemus tibi ne iniuste vex=
res vel vexari permitt. B. de libero tenemen=
to suo: qđ de te tenet in B. nec ab eo exigas vel
exigi permittas consuetudines & seruicia: que in
de facere non debet nec solet, & nisi feceris vice=
cois B. ad fieri faciet, ne amplius inde clam aud
pro defectu recti, teste. &c.*

This writte of *Ne iniuste vexes*, lieth where any lord dooth distraine his free te=naunte, whiche holdeth of hym by cer=taine services and customes to peoe moe
ser

seruices or customes then he or his aunc-
cestours was wont to doe, then the te-
naunt shall haue this writ, as is prouy-
ded in the statut of Magna carta. Ca. 10
which beginneth (Nullus distringatur.
&c. And this writ is a prohibition which
shalbe directed to the chiefe lord comaū-
ding him that he distrain not his free te-
nāt to do any other seruice, nor custome
then the saide tenaunt or his aunceltour
was wont to doe. And this writ is a writ
of righe patent, for this clause shalbe put
in the writ. Et nisi fec. vic. &c. And know
ye that this writ, is al times aunceltrell
& shalbe determined by battaile or graūd **Proces**
assise. And the proces is, as in the *Monstra-*
uerunt, that is to say, one prohibition, one
attachement and distresse.

Know ye, that in this writ he shal not **W. 4. C. 3.**
declare when he distreyned, but shall saye
y^e he hath him greued for mo seruices. &c.

A writte of right, Quando do-
minus remisit curiam su-
am domino regi.

Rex vicecomiti iudicē salutem Recipe D. q^d do dominus
Iustice &c. reddat B. vnum mesungium cum per-
tinentiis in F. quod clamat esse suū, & hereditate su-
am. Et vnde queritur q^d predictus D. et iustice de regi ip^s sache
forciat. Et nisi fecerit et predictus B. fecerit re-
secutum de clamore suo prof. tunc sum per be-
nos sum predictū D. q^d sit corā Iusticiariis &c.

C. 11.

offen-

A writte of
right. Quan-

do dominus
remisit curiam
suam domino

Natura

offensus quare non fecerit. Et habeas tibi sūm
et hoc breue teste &c. Quia capitalis dominus
nobis inde remisit curiam suam.

Thys writte of ryghte Quia dominus remisit
curiam suam domino regi, lyeth in case wher
landes or tenementes (whiche are wyth
in the seignorie or of anye lorde) are in
demaunde by a writte of righte. And if
the lorde holde no court, or other wise, at
the praiser of the demaundant, or the te-
nant shal send to the court of the king his
writ, to put to the king his court for that
tyme, sauyng to hym another tyme the
right of his seignory. And this writ shal
be retourned before the Justices of h com-
mon banke, and shalbe close. And these
clauses shalbe put in the writte in the ende
Post teste me ipso &c. Quia capitalis
dominus feodi illius inde remisit nobis
curiam suā &c. And the proces is, somons
graunde cape and petise cape.

A writ of execution of iudgement.

A writ of ex-
ecution of
iudgement is
such.

Rex vobis. m. d. d. salutē, Precipimus tibi, q̄ exec-
iudicii nup reddi com tuo de loquela q̄ fuit
in comitatu tuo per breue nostrum: de recto int
petentem & B, tenentem de vno mes, cum per-
tinet in A, sine dilatione fieri fac.

Thys writte (De executione iudicii,) ly-
eth where anye plee is pleaded vnto
Iudgement, and the Shyriffe (if the plee
be in

be in the countie) oꝛ the baylyfe (if he be in court baron oꝛ in hundzed) in fauoure of the tenant oꝛ by other chaunce pꝛolōg oꝛ deferre the iudgement, then the demaũdant ſhal haue this writ. And this writ is one Juſtices. But if he make execuciō than ſhal there goe out a *sicut alias*, with a clause (*vel cauſa nobis ſignifices*) & after that one Pluries, than ſhal goe oute attachment as in a Repl. And knowe ye that this writ lyeth foꝛ the demaundaunt in a writ of right patent oꝛ cloſe, alſwell againſt the baylyfe (if the plea bee in an other courte) as againſt the ſhirife if the plea be in þ countie. And alſo in this writ lyeth the proces of a contempte, and may be made in all other writs if nede be. &c.

CA writte of falſe iudgement.

Rex vlc. Pozl. Salutē, Si A. fecerit te ſecre d. writ of
 Relam ſuo pꝛol tunc in pleno com tuo recoꝛda- falſe iudge-
 ri fac. loquelam, que fuit in eodem com per bre- ment. is ſuch,
 ue noſtra de recto inter ipſum A. petentē de vno
 meſ. cū pꝛiſi C. vnde idem A. queritur falſum ſi-
 bi factū fuiſſe iudiciū in eod com & recoꝛd illud
 habeas coꝛam Juſticiaris nꝛis apud weſtm tali
 die ſub ſigillo tuo & ſigillis iiii. legatum militū
 etiaſd com ex illis q̄ recoꝛd illi interfuerint & ſam
 per bonos ſum predictū B. q̄ tunc ſit ibi audire
 tus recoꝛd illud. Et habeas ibi ſum nomina pꝛe-
 dicta quatuor militum & hoc breue teſte, &c.

Thys Writte De falſo iudicio, lyeth
 where falſe iudgemente is geuen
 C.iii. in

in countie, hundred, or in courte Baron then he (against whome this is geuen) shall haue this writte for to cause the record to be brought befoze the Iustices of the bank, or in Cyze. And know ye, that this writ shall extend aswel to writtes of right whiche are pleadable in countie or in court Baron, without writte. And know ye, that a writ of false iudgement lyeth not in assyse of freshe force, but a writte of erreure. And knowe ye that the proces in this writte against the party is a garnishment vpon his perill, & against the shirife, or against those baillyes, if they doe not the commaundement of the kyng, by distresse &c.

Addicion.

Tri. 34. H. 6.

Knowe ye vpon whiche iudgementes a man shall haue a false iudgement if one iustices be directed to the shirife, to holde plee notwithstanding y it be original, yet he shall haue a writ of false iudgemēt &c.

H. 12. C. 3

And in a writ of right, that the tenant doth pleade to thenquest. and at the *Venire facias*, the tenaunt is essoyned, & hath day ouer, & no proces is made agaynst thenquest, ne continued by the roll. And also at the same day that the tenaunt hath by the essoine he is essoyned another tyme, & that is challeged for that, that this is the second day after thenquest, notwithstandinge

dinge that, that essoine is allowed. And also after such discōtinuance, if the plein- tife be nonsuite in the writ of ryght, and iugement final be geuen, in al these cases he shal haue a writ of false iudgemēt &c.

In a writ of right close brought in the court of the lorde, the proces doth conti- nue vntil the demaundaunt dooe recover the tenaunt doth sue a writ of false iudge- ment: and sheweth that the land is hol- den by the verge, in which case he ought to sue by byll, and it was awarded that he shoulde take nothing by his writte of false iudgement, so; that, & if this iudge- ment be reuerfed, that shall bee to geue a free holde to the tenaunt where he lost no such thing. H. 13. H. 4.

Tenaunt at will of the lorde, after the custome of the maner, broughte a writte of right and made his protestation to sue in the nature of assise of Mortuancester, the proces did continue vntil the deman- dant did recover, & the tenant broughte a writ of false iudgement, and assygned that he shoulde take nothing by his writte so; the reason aforesaide. H. 13. H. 2.

In a writte of false iudgement, if the iurife rturne that he went to the courte and that the iutours saide that heere is no such plee, then there shall goe out a si- ent alias; and not a writte to cause the su- T. 19. C. 3.

C. iii. tours

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four to come but in case, where the party wil haue, that the recozde is other the these sutours hath recozded.

And knowe ye, that if the shirife geue false iudgement, without thassent of the sutours, the partie shal not haue a writ of false iudgement, but shall haue his remedy (by byll) against the shirife.

A writ of error.

Rex balliuis suis de Drogh salutē. Quia in recozdo & processu, ac etiam in redditione iudiciale fuisse foris, que inter D. & B. sum fuit et capta corā nobis in curia nostrā Drogh sine bene nro secundum consuetudinem ciuitatis predictę de vno mes. cū perti in Drogh error interuenit manifestus ad graue dānū ipsius D. sicut ex q̄ rel sua accepimus nos errorem si quis fuit modo debito corrigit & partibus p̄dictis plenā & celestem iusticiam fieri volentes in hac pte vobis p̄c. q̄ si iudiciū inde redditū sit tūc recozdu & p̄cessū assise predictę cū omnibus ea tāgentibus nobis sub sigillis vris distincti, & aperte mittatis & hoc b̄e ita q̄ ea habeatis a die & c. vbi cūq; & c. de inspectis recozdo & processu p̄dictis vltius inde fieri faciemus qd̄ de iure & scdm̄ legē & cōsuetudinē regni nri Anglie fuerit faciēd, teste. & c.

This writte of Errour, lyeth in case where false iudgement is geuen, in the comon banke, the which writte shalbe returned into the kinges benche, and if the false iudgement be geuen in the kynges benche, it shalbe reuerfed by parliamente or by the kinges great counsaile by petition shewed befoze them. And if false iudge

iudgement be geuen in the cite of Lōdō
 befoze the iurifikes of the same cite, then
 shal a writte of error be sent to the Maire
 & iurifikes, that they redresse the saide iuge
 ment befoze them in the Hustinges next
 to cōe. And if they doe not redresse y^e sa^e de
 iudgement, then shal there be certain iu
 stices assigned by the kinges commissiō
 to sit at saynt Martins the greate by Ni
si prius, for to redresse the saide iudgemēt.
 And if the Defaut be founde in the sayde
 Maire and iurifikes, they shall bee puny
 shed for theire misprision, by ordinaunce
 contained in the statute de An. 28. C. 3.
 Cap. 10. But in case that false iudgemēt
 be geuen befoze the Maire: then shall be
 made one commission to certeine persōs
 as is saide. And in case y^e a writte of false
 iudgement bee returned befoze y^e iustices
 of h^e comō bank, & the partye say that the
 record is other then the courte recorded, y^e
 auerment shall bee receyued and by those
 which were present in the court whē the
 record was made, if they come wyth the
 other of the countrey by the retorne of h^e
 iuriffe. And if they come not by the en
 quest taken by the good countrey. *Ut pa
 tet in Statuto inde.* An. 1. C. 3. Cap. 5.

¶ Addicion.

¶ In a writ of Meane brought againste **L. 16, C. 3,**
 ii. brothers, the one hath issue & dyeth, &
 iudge

iudgement is geuen against the other by
his default, and the issue & his vncle doth
bring a writte of Errour for that, that y
seignorie is departed betwixte males by
vsage and assigned for Errour the death
of his brother at time of the iudgement,
& was alwarded, that the iudgement be re-
uerfed, for that y the brother, in this case
may not haue a writte of disceit for to re-
uerse that, that was lost, but only dama-
ges, and this is errour in dede.

20.7. 12.7.

¶ One assigned errour, that suche a daye
the erigēt was alwarded returnable such
a day, afore which day the king dyed, and
he was not but thoe times demaunded,
in time of king Edward the fourth, and
thzee times in time of king Richard the
thirde, & that was holden Erro2, for that
the writte abated in dede, by the death of
y king E. & y is errour in dede. And yet
this vblaw2 is not boide but errour.

20.7. 12.7.

¶ One assigned erreure for as muche as
after the issue ioyned, and afore the ver-
dite his attourney was dead, y was non
erreure, for that, that by his deathe the
writ abated not, no2 the issue wayued ne
dyscontinued, for that, that hee maye ap-
pere by another attourney, or proper per-
son. And also he shall not say that his at-
turney was deade at the tyme of hys pleg
for that, that it is agaynst the record, but
he shall

he shal say that another man of the same name appered, without that, that the attourney was of lyue. And knowe ye that he may not assigne errour but in proper person.

Errour broughte in the banke of the kyng of a iudgement geuen in a writte of dower, and assigned for errour, for that that these tenaunts in the writ of dower appeareth by attourney, where no warrant of attourney was entered, and pray a writte to certifie, if any warrant be or not, & was awarded y he shal not haue aduantage to assine that for errour. And diuersitie taken betwixt errour, whiche is matter in dede, and errour whiche is matter of record. For if y party one time sue one *scire facias*, hee shal neuer assine errour in dede after, for if after a *scire facias* awarded, one will assigne Erroure, for to auoid one vtlawye, to say that he was in warre in Fraunce vnder such a captein he shal not haue suche assignement for it is errour in dede, and note parcell of the record. And looke if one after the *scire facias* may assigne errour: for to reuerse one vtlawye, to saye that hee was not but solwe tymes called, and pray a certification. Quere if he shal haue or not for to Quere certifie the exigent &c.

In a *scire facias*, oute of a recognyſſance **T. 29, C. 3,**
saunce

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89, 9, 1, 5.

saunce against. bi. the shirifes retourned
that thzee are dead, and these other thzee
come by warning, and alledged the deth
of the other, & that theire heires are with
in age, & demaunde iudgement, if during
their nonage, they shalbe put to answere
vpon which was awarded, that the plee
shall tary. And now the plee was a writte
of errour: and assigned errour for that by
the recognisaunce all. bi. were charged
and every one of the hole, for the whych
when these thzee dyd come, execucion a-
gainst them ougot to haue ben awarded
Another errour was for that, that they
alledged that the heires of the other thzee
were within age. &c. which plee lieth not
in their mouthes, for that, that they are
strangers &c. And for the first errour was
saide, that the charge falleth equally vpon
all these tenants in comon, and not vpon
one, for notwithstandinge y the lan-
des of the one were liuerde &c. He shalbe
ayded vpon his suggestion &c. And to y
second errour was saide, that a stranger
may alledge the nonage of another, and
proces shall not be made againste him, in
whō nonage is alledged, if it be not tra-
uersed, & al was affirmed by iugemēt. &c.

89, 5, 1, 5.

¶ If a writte of Trespas be brought a-
gainst many, and some appeare & pleade
not guilty: which are founde guilty, and a
gaynst

gaynst these other proces is sued.

¶ Quere if these other that are found gylt. Quere
tpe, shalbe receiued to alledge Errour in
the proces made against the other whiche
are seuered in proces.

¶ The executors of one man broughte p. ii. q. 4.
a writte of errour of outlawrie pronoun-
ced against the testatour in his life, and
for diuers errorres the outlawry was re-
uered at their suite, and they restored to
the goodes of their testatour.

¶ A writte of Dedimus potesta-
tem de attournato faciendo.

Rex balliuis suis de hund de S. salutem, quia
per comune consilium regni nri Anglie pro-
uisum est qd quilibet liber homo possit facere at-
turnatum suum ad loquelas prosequend et de-
fend motas in com trithinges hund wapetagi-
is & alias cu sine bte nro, vobis precipimus qd
atturni voluit ad loquelas suas persequendū mo-
tas coram vobis in hundredo nro predicto loco
ipsius A. sine difficultate ad hoc recipiatis hac
vice de gratia speciali teste ec.

¶ By this writte of Dedimus potestatem de attur-
nato faciendo, lyeth where a man in plea-
dyng in the courte of the kynge, and
may not trauayle nor attende his plece,
for syckenes or other busynesse whych he
hath to dooe, then he maye haue the sayd
writte directed to the Shyryfe, or to an
abbot, or to a Priour, or to a knyght &c.
to recoorde his attourney. And it shalbee
commā.

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commaunded in the saide writ that he (to whom the writ is directed) retourne the saide writ vnder his seale, and the name of the atturney whiche is receyued, that he may be knowne in the kinges court, as it appeareth by a certaine statut, de libertatibus pquirendis in fine. And knowe ye that in euery plee of land, and the personall: as well the tenant as the demaundant, may make theire atturney, as the defendand or the plaintife, & that before Justices; whiche hath power to receyue attourney without writ, if the ple be before the in the Chauncery, or other wise he that shal haue attourney, maye sue to the kinges court, and purchase this writ of *Dedimus potestatem* as before is saide. And knowe ye, that euery free mā, may make his atturney as well to make sute in countie, hundred, or in court baron, as he may pursue or defende, and that will the statute of Merton. Cap. 9. And also when a free man hath noted and ordeined bys atturney in any maner (as afore is said) yet he may if he will, the same attourney remoue and make a newe. And knowe ye that no man may make atturneye in appele, as it appereth by the statute of Gloucester. Cap. viii.

An. 40.

Addicion.

Know ye that in appele of robbery, the
defens

defendant pleaded not guilty & was founde **E. 3. li. 2. m.**
 guilty, & after verdict he said that he was a
 clerke, and þe plaintiffe saide that he was
 Bigamus. And forasmuch as the proces
 shalbe made to the Bishop to certifie, he
 was not appelled vpon the principall.
 In this case the plaintiffe was receyued
 to make attourney.

In appele, the defendant was acquitted,
 the abbettours were enquired of, and **A. 1. 8. E. 4.**
 & **B.** were founde abbettours, by which þe
 defendant prayed a distresse against the,
 & had it, And prayed also that hee myghte
 make attourney against the abbettours,
 and so dyd.

If the appele be acquitted by enquest, & **1. 1. 6.**
 the iustices hath enquired of the abbet-
 toures, whiche are founde: and there is
 certaine matter within the recoorde that
 the Iustices wil bee aduised of the iudge-
 ment, the appele shalbe receiued to make
 attourney.

Knowe ye that a woman may bee at- **1. 19. E. 3.**
 tourney for her husbände by bill.

An infant maye not be attourney, ne **1. 1. 5.**
 make attourney.

Knowe ye that thzee thinges belongeth **1. 7. 4.**
 to the making of attourneye, one is that
 the attourney will agree to be attourney
 to the partye. And another þe party
 wil haue him for his attourney. And the
 third

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99.11. C.4.

thirde, y the Justices wil recozd his name
And none of the may be without y other
Know ye that it was saide in a writ of
errour, brought of a false iudgemēt giuē
in the countie &c. that in euery case wher
the partie is for to excuse him against the
king of a contempt, he ought to be in pro
per persone, and not by attourney.

For it was saide, that where a prohibiciō
was awarded out of the common place to
y archdeacō of C. for y that by the surmise
of the partie, hee shewed howe an action
of that same thing was hanginge in the
common banke, and vppon that one, at
tachment & a distress went furth &c. for to
answer to the contempt, & the archdeacō
was charged at the daye of y distresse re
turned, for to come in proper person, for
excusinge of him selfe in that he did not
successe. And may not be by attourney.

One which commeth in vppon an cri
gēt before plee pleded, would haue made
attourney & might not: Contrary law is
when he commeth in by *superfedeas*.

One attourneye maye pleade misna
myng of his maister, whiche standethe
with his warrantye. As if the warrantye
be *J. S. populo suo. &c.* He may saye that
he is made knight.

*Proteccio cum clausula
volumus.*

Her

Rex omnibus balliuis & fidelib⁹ suis ad quos Proteccio cū
 presentes littere peruenierint salutē. Sciatis clausula volu
 q³ suscepimus in protectionem & defensionē nrā nūc is such.
 dilectum & fidelem J. B. qui in obsequium nrū &
 predictū nostrū profectus est ad partes Scocie,
 omnes terras redditus, & omnes possessiones su
 as. Et ideo vobis mandamus q³ ipsū Johannē
 terras, redditus, manuteneatis protegatis & de
 fendat oēs possessiones suas, non inferentes eis
 vel inferri permittentes iniuriā, molestiam dāp
 num aut grauamen. Et si quis eis faciat sine di
 latione faciatis emendari. In cūctis rei testimo
 niū has litteras nrās fieri facimus patētes vsq³
 ad festū sacti Michaelis proximo futurū duratu
 rū, volum⁹ etiam q³ idē J. B. interim sit quiet⁹
 de oībus pñtis & querelis exceptis placitis de
 dote, vnde nihil habet &c. quare impedit et Bñ.
 noue dissie vltime presentacionis et attinetis, et
 ex certis loquelis, quas corā Iustic nris itinerā
 tibus in itinerib⁹ suis sōmoniri cōtigerint pñtē
 minime valitare, si contingat ipsū J. B. inter il
 lud non arepi vel postquam citra terminū illum
 in Anglia reddiderit a partibus B. &c

Proteccio (Cum clausula volumus) lyeth in
 case where a man passeth ouer the sea
 in the kinges seruice vnder any lozd, he
 ought to haue h̄ seale of his lozde (with
 whom he went) or a bil directed to h̄ gar
 deine of the priui seale, for one such that
 wyll go with him in the kinges seruice,
 and when he hath a priu seale, he maye
 haue hys proteccyon graunted of the
 Chaunceler. And knowe ye, that euerye
 man which hath the proteccion (Cum claus

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su'a volumus) shalbe acquitted of al maner of
 ples, except ples of dolwer. Ande nihil
 habet, *Quare impedit, assisa de no. diff. vltime presen-*
tacionis, and except ples which are somo-
 ned before Justices in Cier. But the
 Proteccion shal not be allowed before
 any iudge, for taking of vitail, or byeng
 for the viage in the seruice, whereof the
 Proteccion maketh mencion. Pe other
 waies in ples of Trespas, or contracts
 made or had, after the date of the same
 Proteccion, as well by statute An. 1. Ri. 2.
 cap. 8. which beginneth. *Itē assent. &c.*
 And know ye that in case that a mā pur-
 chase this proteccio, for to delay any plee
 in disceit of the parti, or in any other ma-
 ner, & he go not in the viage, after by ma-
 ner of his proteccion, the party deman-
 dant, or pleintife may haue one *Cerciorare*
 out of the Chauncery to the shirife (wher
 suche person dwelleth) for to certifie the
 king in the Chauncery therof, whither he
 be gone or not, & then if the shirif return
 that he is not gone in by viage, but dwel-
 leth in such place attending to hys proper
 busines, the party persuaunt maye haue
 a patent (which is called *innotissimus*) to al
 people for to aduul the saide Protec-
 cion, or other close writte directed to the
 Mayre, shiriffes, or baylyffe, commaun-
 dyng them, that if the sayde Proteccion
be

be shewed before them, or anye of the, in delay or disturbance of the demaundant or plaintif, they shal take the said protection, and that send into the Chauncerye for to be ther cancelled, & adnulled. And in the same maner shall the demaundant or plaintife haue to the Iustices of h comon banks or other Iustices y they shall surcesse to alow such Proteccions. And y they shall sende the Proteccion into the Chauncery as afoze is sayd. And whē any such protection is shewed before the Iustices for to delay the partye (as afoze is said) that by the statute de Proteccionib⁹ allocantis, is made in the time of kinge Ed. sonne to king Henry, the. 33. yere of his reigne, is ordeyned certayne maner of proces, as appereth in h saide statut.

¶ Addicion.

¶ Know ye h a proteccio. or protectur⁹, shal not be allowed in any plee comensed afoze the date of that, yf it be not in h by age where the kinge goeth himsele or o^r ther byages royal, or in messages of the king for busines of the realme An. 13. h. 2. ca. 16. And wher a proteccio shalbe allowed in viage royal hereafter apereth.

¶ In a scire facias, to haue execucion of a fine, the tenaunt sheweth a Proteccion D. 3. h. 6.
Quia protectus in comitiua, with the protectour of the realme & was allowed

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and if he go by commaundement of the kyng in message &c. it shal be allowed.

D. 7. H. 6.

In a *precipe quod reddat*. A proteccio was shewed for one, which wet with h Erle of H. into Gascoine, & was challèged for that, that it was not biage roial, and the commission of h Erle was shewed forth. which wil y the king made him his lieutenant, and gaue hym power to pardon felony, and treason, & to enquire of those which made resistance against him, and to make coyne. &c. And for that, that he hath power to enquire by special graunt, the proteccion was allowed.

M. 8. C. 4.

In det the parties demurred in iudgement, and the opinion of the court wyth the pleintife, and the defendaut prayed that the iudgement might be respited vnto such a day, & it was sayd by the courte that if he shewed a proteccio in h meane tyme that it shal not be allowed.

M. 11. H. 4.

A proteccion was saide befoze (qz *prosecutus est*) in the companie of E. the kings sonne into Ireland, & it was purchased hanging, the wytte wherefoze it was allowed. For that, that it may not be sayd byage roial, wythout he bring h kinges host into Irelande.

H. 6. C. 4.

But knowye, that after C Poile that a proteccion of byage royall into Ireland, shal not be allowed. For they are
within

Within the iurisdiction of the realme.

Otherwaies is of Scotland, therfore enquire what the lawe is. But after Littleton a pteccion (Quia moratur super saluā custod.) it shal be alowed. The same lawe shalbe Quia moratur in partibus Malie, but the booke is not adiudged.

In a Formedon, a pteccion shal not be alowed, for the Gardeine of prisons, which hath suffred men that be condemned, to go at large. B. 7. B. 4. Capi. 4.

A Pteccion shal not be alowed in a scire facias vppon a trauers of office taken befoze the Ceschetour, or commissioners against any patent. In. 33. B. 6. Capi. 7.

Knowe ye, that an infant, a womā co. uert, may lewe a pteccion. B. 12. C. 3.

Knowe, that it is saide that if. rr. of a comonalty are by pteccyon, and in the seruice of the king, the Pteccyon shal not be alowed for them al onely. For yf rr. of the cominaltye be in seruice of the kynge, notwithstandinge that there be Mayze and cominalty, yet the compynaltye abydeth at home. B. 3. C. 3.

Knowe ye, that the defendaunt whych went to imparle) was demaunded to come with his answer, a pteccion was put befoze: Quia pfectur est, which was of older date then was the imparlaunce, & that notwithstanding it was alowed. D. 36. C. 1.

D. iii.

Other

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12. E. 3.

19. E. 3.

Protectio cū
clausula nolu-
mus is suche.

Other wayes shuld be if the Protection
had ben: Quia moratur in obsequio.

Know ye that if there be more in y^e pro-
tection, then in the wyrt, the protection
shalbe allowed, but if ther be lesse in the
p^reccio, the in y^e w^rit it is not allowable.

In apeale of Maine a protection was
shewed for the defendand, and not w^rth
standinge that the pleyntiffe recovered
nothing but damages, in thys suyt the
protection was disallowed.

Protectio cum clausula nolumus.

Re omnib⁹ balliis ec. v^ris, salutē. Sciatis
q^d suscepimus in protec^t n^ram dilectum nos-
bis in Christo priorem de p^r. omnes terras, res,
redditus et omnes possessiones suas. Et ideo vo-
bis mandam⁹ q^d ipsū priorem terras res reddit⁹
& omnes poss⁹. suas man^r teneatis p^rotegat &
defendat non inferentes eis vel infert^r pernit^r
tes iniuriā aut gravamen & si quod eis foris fac-
tum fuerit, id eis sine dilatione faciatis emenda-
ri. Nolumus enim, q^d de bladis, fenis, carectis,
cartagiis, bonis vaccis, vel p^roris, omnib⁹ aut
aliis animalibus victualibus ciue ceteris bonis
catallis ips⁹ prioris cōtra volūtatē suā ad op⁹
nostrū aut aliorū per balliōs seu ministros aut
alterius cuiuscūque quicquam capiat, teste ec.

This w^rit of Protection (Cum clausula no-
lumus) lyeth in case where a man is in
dout that the ministers of the Kinge, or
of anye other, will take hys cozne, hape,
horse, cart, or such like. And knowe ye y^e
this protection may be graūted by every
mayster

mayster of the Chauncery wythout pry-
ue seale.

A writ of right De aduoca-
tione ecclesie.

Ret. A. salutem. Precipimus tibi qd plenū rec-
tum teneas w. de L. de aduocatione ecclesie right de aduo-
ca. de R. quam ciamat pertinere ad liberū tenemen-
tum suum, qd de te tenet in L. per liberū seruiciū: sic is lache.
unū vniū denarii per annum pro omni seruicio,
quam J. de w. ei deforc. vt dicit. Et nisi feceris
vicecomes &c. ne amplius &c. recti, terti &c.

Another writ that lyeth in the
common banke.

Rex vic. R. salutē pēpe A. qd iuste &c. reddat
D. aduoc. ecclesie de R. quā ei iniuste deforc. vt
dic. Et nisi predict D. fec. te. &c. tunc sum &c. p-
dict A. qd sit coram Iustic. hīs apud W. vt. lu.

This writte of De aduocatione ecclesie lieth
wher a man hath right of aduowson
and the person of the churche dyeth, and
a straunger dothe present his clerke to
that churche, and he which hath ryghte,
hath not moued his accion of Quare impedit
nor Darreynne presentment, wyth in the
vi. monethes, but doth suffer the straun-
ger to vsurpe vpon him, then he shal not
haue anye other writte then a writte of
right of aduowson. And this writte he
shall not haue (if he claime not h aduow-
son to him and to his heires in fee.) And
also he may haue a writ of righte of ad-
uowson of the halfe, the thirde part, or h
fourth parte, as well as of the whole (yf

D.iiii.

he

he be deforced.) And knowe ye that a wrytte of right (*Quod reddat aduocationem decimarum*) is not graunted by the statute of Westm. 2. ca. 5. which beginneth. *Cum aduocatione ecclesiarū &c.* which wil yf the person of anye churche by a wryt of *Indicavit* be distourbed to demanda his damages, his patrō shall haue a wryt of right of aduowson to demanda the same damages. But the wryt of *Indicavit*, lyeth of no lesse parcell, then of the fourthe parte of the churche, therefore no more doth thys wryt, but yet after some mē the wryt lyeth of lesse parcell at y common law. And y proces in this wryt is, *Somōs, graūde Cape, & petit Cape*, after apparāce. And the poces against the Jurie is y comon proces, *Venire facias, habeas corpora, et distr.* And knowe ye, if a man holde of the Kyng a maner by graund serganty, or by petite sergentye, vnto the, whiche maner one aduowson is belonging, & he dothe sel or graunt, the aduowson is dismembraunce of the seignioy, the kinge shall present to the first aduoidaūce after. &c.

Addicion.

Pa. 2. C. 3.

Knowe ye that a wrytte of right of aduowson, brought by the king, y defendāt shall not pzofer y halfe mark ne iudgemēt final, shall not be giuen againste y kinge. And knowe ye that a wryt of right of aduowson

aduowson, & tenant doth ioyne & myse, and dayes gyuen to hym vnto the feaste of the Purificacion of our blessed ladye, at which day he commeth not, but commeth at the third day after. Iudgement fynal was gyuen vpon the default.

Item, North

But if the tenaunt in a wyrt of ryghte of aduowson do knowlege the right of the demaundaunt, iudgement shalbe gyuen, & he shal recouer & aduowson. And iudgement finall shall not be gyuen, for that, that the myse was not ioyned.

M. 33. C. 3.

A release of the pleyntife selfe, or of an other auncester, by whom & discēt is not made, is a good barre, wout ioyning the myse. And iudgement final shalbe giue.

M. 17. C. 3.

CA wyrt de assisa vltime presentacionis.

Rex vobis M. salutem si B. fecerit te. secuti &c. tunc sum &c. duodecim liberos & legales homines de villa de B. q. sint coram Justic &c. parit sacro recognoscere quis aduocatus tempore pacis presentant vltima personam que mortua est ad ecclesiam de C. vel vltimu vicariu, q. mortua est ad vicariam de A. que vacat (vt dicit) & cuius aduocacionem idē B. dicit ad se pertinere & interim ecclesiam illam videant, & nomina eorum in bñ fact. sum B. qui aduocacionē illā ei defort qd tunc sit ibi audiendū illam recognicionē & habeas ibi sum et hoc brevis teste &c.

A wyrt de assisa vltime presentacionis is suche.

This wyrtte of assisa vltime presentacionis lieth where I or myne auncester hathe presented our clerke to a churche and after

Natura

Proces

fer our clerke dyeth, so that the thurche
is boyde, and a straüger doth present his
his clerke to the same churche and dothe
dystourbe mee. When I shall haue thys
wrytte, or a *Quare impedit* at my pleasure.
But *passylse* is moze better. For in assise
I claime of my proper possessiõ, or of the
possession of myne auncester. But in the
Quare impedit aswell the distourbour, as I
claime the possessiõ and right. And know
ye, that wher a man may haue assise of
darrein presentmēt, he may haue a *Quare
impedit*, but not the contrary. And the pro
ces is such. Somons resomons against
the party, & againste the Inrrouers So
mons, *habeas corpora, et distr. &c.* And knowe
ye, that in assise of darrein presentment
and *quare impedit*, a man shal recouer dama
ges if. vi. monethes be past befoze his re
couere, he shall recouer the value of the
churche by two yeres. And if the recouere
be befoze .v. bi. monethes be past, then he
shall recouer damages, that is to say, the
halfe of the church for one pere. And that
wyl the statute of Westm. 2. Capi. 5.
which beginneth, *cū de aduocationibus
ecclesiasticis*, and in þ saide estatute, are or
deined. iii. wryts originalles of aduoca
sons of churches, that is to say, a wryt of
right of aduowson, whiche shalbe deter
mined by battayle, or graunde Assylse.

A wryt

A writ of darrein presentment, & a *Quare impedit*, whiche are of the possession. And if any man which hath no ryght to paduowson do present his clerke in the tyme that the aduowson was to any gardeyn by reason of any infant, or in tyme of tenant in doluer, or by hertelie, for terme of life, for yeares, or in taylor, yet the statute wyl, that when the churche falleth voyde, and they in the reuercio after the death of the said tenants, or gardeyn be distourbed, they shal haue their recovery by Assise of darreine presentment. If the said aduowson be recovered againste the foresaid tenants & gardeyne, by iudgement or inquisition, notwithstandinge the said tenants, & gardein hath saine, & defended theyr plee, but the iudgement shal stand in his force, vntill suche tyme that it be adnullled by the iudgement in the kinges court by Errour, Attaint, or by Certification, as the said statute will etc.

¶ Addition.

It no we ye, y in these cases, a man shal haue assise of darreine presentment though that he, nor his auncestours had not the last presentment. As if I present & after the church falleth voyde, and the bishop doth present by laps (ordinary) I shal haue this writ, & if my gardeine do present, I shal haue an Assise of darrayn presentment.

Know

13.10.13.1

29.6.13.1

Natura

E. 18. C. 3.

Know ye, that if the present do resyne yet the writ shal say, qui mortuus est.

E. 2. C. 3.

Know ye that the pleintife made thys title, that he himselfe was seised and presented &c. & þ writ was. Et sum B. qui aduocationem illā ei deforceat. And the writ was challenged, & not allowed for þ that it is the forme of the Chauncery.

A writ of Quare impedit.

A writte of Quare impedit is such.

Rex vic. Hib. salutē. Drecipe A. et B. qd in-
ste ec. permittant C. presentare donā perso-
nam ad ecclesiā de A. que vacat, et ad suā spec-
tat donationem vt dicit et vnde queritur qd p-
dicti A. & B. eum iniuste impediunt et nisi fece-
rint &c. et tunc sum &c. pdict A. & B. qd sint corā
Iustic &c. tali die ostent quā nō fecerint &c. Et
habeas ibi sum, et hoc breue teste &c.

This writ of Quare impedit lyeth where
a man hath purchased a maner to the
whiche maner one aduowson is belon-
ging, the person dyeth, a straunger doth
present hys clerke, then he that haue the
said writ, and not assyle of darrein pre-
sentment. And the proces is in this writ
as in assyle of darraine presentment. As
is contained in the Statute of Parl. cap.
12. Somons, Attachement, and one Dis-
tresse, and if the partie defendaunt come
not at the distresse, then the playntiffe
shall haue a wytynge to the Wyshop of
the place, that he may accepte hys clerke
to the sayde church, sayng to the defen-
daunt

Proces.

daunt another time his right (if thereof he shal complain.) And know ye, that in Assise of darraigne presentment, and in a writ of *Quare impedit* daies shal be giue fro .xv. to .xv. And from thre wekes vnto .iii. wekes, as the place is distant. And that wpll the statute aforesayd.

¶ Addicion.

¶ Know ye þ if a *Quare impedit* be brought **H. 19. C. 3.** against the bishop & a straunger, and the bishop disclaymeth saue onelye as ordinary and the other saith þ he is person in persone of collaciõ of the bishop. In this case þ writ shalbe awarded to þ Metropolitane and to the bishop.

¶ Know ye þ a *Quare impedit* was brought **H. 9. H. 6.** against a prior as patron, and one A. as Incumbent, and hanging the writte the patron died, yet the writ was mainteynable, against the Incumbent alone.

¶ A writ of Ne admittas.

Rex ec. Venerabilis in Christo patri eadē gracia L. episcopo salutē Prohibemus nobis ne admittas personam ad ecclesiam de A. q̄ vacat (ut dicitur) & de cui⁹ aduocacione cōtencio mota est in curia nra inter A. & B. donec discallum fuerit in eadem curia ad quem eorum pertineat eiusdem ecclesie aduocatio teste ec.

A writte of Ne admittas is such.

¶ This writte of *Ne admittas* lyeth where one manne impleadeth another by a *Quare impedit*, or by assyse of darraigne presentment in the kyniges courte. Then ys the

the pleintife suppose that the bishop wyl
present the clerke of the defendaunt, han
ging the plee betwixte them of the sayde
church, he may have the sayd wyrt direc
ted to the byshop prohibiting hym that
he present no clerke to the said church be
foze that it be discussed betwixt thē, who
hath right to the said church to present.
But if they be in plee, and y^e presentaciō
not discussed noz no recovery within the
vi. monethes, then the bishop shal p^rsent
by Laps, if the pleintife recover, he shall
recover damages: As is cōteyned in the
statute of West. 2. cap. 5. And the proces
is one prohibicion, and vpon the prohibi
cion attachement, and a distresse. And
know ye that if the defendant, in a *Quare*
impedit come not at the distresse. Then the
pleintife shal have a wyrt to the byshope
that he shal accept hys clerke to the sayd
church. Saving another tyme the ryght
of the defendaunt &c. and this wyrt shall
be Judicial, and is such.

Rex ec. venerabili vt sup salutē sciatis qđ cū
B. in cū nra ec. recuperavit presentacionem
suam versus C. ad ecclesiam de M. que vacat p
defaultam ipsius C. Et ideo vobis mandam⁹, qđ
non obstante reclama⁹ predicti C. ad presenta⁹
predicti B. ad ecclesiam idoneam personam ad
mittatis teste &c.

CA wyrtte de *Quare non*
admisit.

Rex

Proces

Rex vñ salutem. Si B. fecerit te securum de
 clām ꝛc. tunc sum ꝛc. B. Lincoln episcopū qđ
 sit corā Justic ꝛc. ostensurus quas cum idē. B.
 in curia nostra coram prefat Justic nostris recu
 perasset versus C. present suā ad ecclesiā de A.
 per recognit, assē ultime presentat, ibi inter eos
 captam, propter qđ mandamus eidem episcopo,
 qđ non obstant reclamacione predicti C. ad psen
 tat ipsius B. ad ecclesiam predictam idoneā per
 sonam admittetot, id ēps W. clericū predicti B.
 per ipsū presentatū ad ecclesiam predictā admit
 tere recusauit in nostri ac mandatorū nostrorū cō
 temptū & confidet cū nē predictē lesionem ma
 nifestā, & habess ibi sum & hoc breue teste ꝛc.

This wñt lieth wher a man hath re
 couered one aduowson of a church, &
 he doth send his able clerke to the bishop
 for to be presented to y sayd church, and
 the byshop will not receiue him, then he
 which hath recovered shall haue the sayd
 wñt. And this wñt is a wñtte of Con
 tempt and all times is Iudiciall and go
 eth out of the rolles of the Justices: but
 in tyme of vacacion when the court syt
 teth not, thē it shalbe made in the Chaū. **Process**
 cery. And the proces is attachemēt, and
 distres. And a *Quare non admisit pro rege* hath
 bene made and ensealed by some inenne
 without making mencion of any reco
 neri befoze made. And yet is by the pre
 rogatiue of the king.

Addicion.

Knowe ye, y this wñt shalbe brought In. 38. B. 6.
 in

Natura

in the countie wher the refusal was made
for that, y he shall recouer nothing but
damages and not the presentmēt, other-
wyse y writt shal abate. But a *quare impedie*
shal be brought in the countie where the
church is : for that, that he shall recouer
the presentment, and that is the diuersi-
ty. And if the bishop admyt him & make
letters to y archdeacon to induct him, the
bishop is excused though that y archdea-
con refused to induct hym. And he is
put to sue againste the archdeacon in the
court Christian, for that is a thinge spi-
ritual. And it is good plee for the By-
shop to say that he hym admitted, & made
letters to the archdeacon for to inducte
him without sayinge y he hym inducted.

W. 13. C. 3.

¶ And if the writt, to admit his clerk, be
directed to the Vicar generall and he re-
fuse, yet the *quare non admisit* shal be brought
against the byshop.

W. 15. C. 3.

¶ The bishop refused to receiue a clerke
and dyed, by which one prayed a writt a-
gainst the archbishop of Caunterburie
gardeyne of the spiritualties, and to him
was denied. But a writt was graūted to
him against y garden of y spiritualties,
but not against y archbishop, for y, that
the firste writt was not directed to hym.

¶ A writt of *Quare incum-*
bauit.

Ber

Rex hie. Salutem. Si A. fecerit te secut. &c. **A** writte of
 R. sic sum. &c. B. Lincol. episcopum, quod sit co- **quare incum-**
 ra Justic. &c. ostensurus quare cu. idem A. in cu- **brauit is such**
 ria nostra coram prefatis Justic. nostris recupe-
 rasset presentacionem suam ad ecclesiam de J. per
 assisam vel recognitionem ultime presentacionis
 intrin. inter eos cap. idem tñ episcopus pendete
 plito in prefata curia nostra coram Justic. nostris
 super captioe ultime presentacionis predictae, ec-
 clesiam predictam incumbant in ipsi? A. p. iudiciu
 nō modicum et granamen et contra legē et consu-
 etudinem regni nostri. Et habras &c. teste &c.

This writt lyeth wher there is two ple-
 ding for the aduowson of a churche, &
 hanging the plez the Bishop present one
 of his clerkes within the. vi. monethes
 to the said church, then he that hath re-
 couered shall haue this writte against the
 bishop. And knowe ye that this writt lieth
 not but hanging, the plee, for if it be out
 of the plee, and I sende my clarke to the
 bishop for to be of him accepted. And hee
 him refuse, and present one of his owne
 clerkes, then I shall haue a *Quare impedit*,
 or Darreine presentment as my case ly-
 eth, and not the *Quare incumbrauit*. And the
 proces is, Somons, attachement and dis-
 tresse, And knowe ye that when a *Quare*
impedit, or assise of Darreine presentment
 is brought againste the bishoppe as dis-
 tourbout of aduowson of a church, the
 Bishoppe maye present because of Laps
 after the terme of. vi. monethes vnto the
 C. i. ple

Natura

plee determined betwixte hym and the pleintife.

M. 31. C. 3.

M. 18. C. 3

Addicion

Know ye that after the sayeng of Stof that a *Quare impedit* lieth not, but where a *Non admittas* is directed to the bishop hanging the writ.

M. 17. C. 3.

And note y this writ shalbe broughte alwaies in the comō bank, for that, that it is a comon plee. In a *Quare incumbrauit* it is no plee to say, that there is no such record here, nor it is no plee to say y the record is sued into the kings bēch & errour assined

A. 21. C. 3.

Know ye that a *Quare incumbrauit* shalbe awarded against the bishop where he incumbreth within the time of. vi. moneths not withstandinge that no accyon was purchased before.

A writ of prohibition.

A writ of
prohibition
is such.

Rex archiepiscopo Catus, et eius commissis salutem. Item prohibemus vobis ne teneatis placitum in curia Christianitatis de catallis vel debitis unde A. querit q. C. trahit eum in plitum in curia Christianitatis corā vobis nisi catalla vel debita sint de matrimonio vel de testamento quia plita de catallis & debitis q. nō sūt de testamento vel de matrimonio spectāt ad coronā & dignitatē nostrē rege &c. Eodem modo fiat alia prohibitiō parti ne sequatur mutatis mutand.

Rex &c. venerabili xpo &c. velle. Proffice corā commissariis salutē prohibemus vt su. de aduoc. eccles. de p. vel medietat. vel tertie p. us, & unde G. & E. v. 10. et querit q. T. episcop. de L. trahit eos

res in p[re]s[ent]ia cor[am] vobis in curia christianitatis q[uod]
placita de aduoc[atu] ecclesiaru[m] spectat ad coronam ec[clesiasticam].

This writ liethe where a man is impleaded in courte Christiane of thinges, whiche toucheth no maner of matrimoni, noz testamēt. But such thiges, which toucheth the crowne of our soueraygne Lord the king, as Dette, Trespas, oz of any such like which shalbe pleaded in the kinges court, then he may haue the saide writ directed to the ordinarie, and officers, oz commissioners of the saide courte Christian, them commaunding to cease theire ple. And also knowe that he may haue aswell a prohibition to the shirife, that the partie shall not pursue, as to the officiales, oz commissaries. And the proces is in this writ, the Prohibition. And **Proces** if the partie sue for the plee in courte Christian notwithstandinge the prohibition. Then shall go out of the Chauncerye one attachement. And thys attachement is retournable (if he cease not, then shal go the distresse.

Addicion.

Note oute of what courte a man shall haue a prohibition, and attachement vpon a prohibition. In a writte of Trespasse brought in the comon place, the parties beinge at issue, and hanginge that, the pleintife sueth in courte christian, the defendant

Natura

sendaunt shall haue a prohibition oute of the same place.

E.2.C.4.

In a *Quare impedit* brought by the king against the parson of **D.** for that, that he him distourbed to present to the vicarage of the same church, and befoze that writte was retourned the parson hath sued a *sistacion* against the present of the king, & he prayed prohibition: And to him it was graunted by *h* iustices of *h* comō place.

E.11.D.4.

If a mā make an othe to enfeffe me of his land: If I sue him in court *Christia*: *Pro lesione fidei*, he shall haue a prohibition against the party and the iuges also. And if a man & his wife do sel land (whiche is of the right of the wife) & the wife is swozne that she shal not sue not *Cui in vita*. And after the death of her husbande she bringeth her *Cui in vita*: & the other sueth her in court *Christiane*, *Pro lesione fidei*: she shal haue a prohibition.

M.12.C.4.

Knowe ye that if a man be sued in court *Christiane*, of couenaunt broken without especialty, or executors are sued, for a simple cōtract made by theire testatour. A prohibition shalbe awarded, and yet *h* pleitise hath no remedy by *h* comō law.

H.16.D.6.

Knowe ye if the bailife in courte baron holde plee aboue. *rl.s.* the defendāt may haue a prohibition: if one swere vpon a booke to paye certaine money, at a certaine

saue day, and at the day he payeth not y
money, and the other sueth him in court
Christiane, Pro leſſione fidei, he shall
haue a prohibition. &c.

CA writ of indicauit.

Rex iudici tali, et eius offic. vel eius commis: A writ of An
sario salutem, indicauit nobis B. cu B. teneat dicauit is
ecclesiam de C. de aduocatione sua. w. clericus such
clamans quartā partē eiusdē ecclesie de aduoc. C.
B. trahit eum inde in plicū corā vobis in casu cri-
stianitatis qz vero manifestū est qd pdictus B.
tacturā sue aduocationis incurret, si plicet w. in
placito illo cām illā optineret, vobis prohibem⁹
ne plicū illud teneatis in casu christianitatis do-
nec discussum fuerit in curia nostra ad quem il-
lozū pertineat eiusdē ecclesie vel capell' aduocat⁹
quia placita de aduocatione ecclesiarum spectāt
ad coronam et dignitatem nostram. teste &c.

This writte lyethe where a debate is
betwixt two clerkes in courte christi-
ane: of a church, or of parte of a
church, or for dismes, whiche amounteth
at the least to the value of the fourth part
of a church, or to a greater parte as the
second part, or thirde parte then for that
that the patrone of the clerke defendant
shall lose his aduouson (if the clarke of
the pleintife recover in court Christian)
and the pleint of the aduouson of the dis-
mes which amounteth at the least to the
fourthe parte of the value of the church
belongeth to the court of the kinge, and
may not be gained ne lost i court christi-

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an, for that cause the patron of the clerke
 defendaunt shal haue in the Chauncerye
 the saide writte of *Indicavit*, directe to the
 clerke of the pleintife, or to the officers
 of the court chrestian: commaundinge the to
 cease theire plee and pursute vntill y it be
 discussed in the kinges court, to whome y
 aduowson belongeth. And knowe ye that
 y statute of West, 2. ca. 5. whiche begin-
 neth *Cū de aduocationibus ecclesiarum.*
et. in the ende of the saide statute is respy-
 red: y if the patron of y clerke pleintife be
 in such maner distourbed, he shal haue a
 writ of right de aduocacione decimarum
 And when the aduowson is discussed in
 the kinges court, then the plee shal pro-
 ceede in the court Chrestiane. And y pro-
 ces is, as in a prohibition: for it is a pro-
 hibicion in it selfe. And know ye y a writ
 of *Indicavit* shal be betwixt foure persones
 two shal be patrons, and two shal be cler-
 kes: whereof the one clerke claimeth to
 holde the church, or part of the church of
 the aduowson of one patron, & the other
 clerk of the aduowson, of the other patrō
 and if the dismes of the aduowson be de-
 maūded in court Chrestian: & the dismes
 be not to the value of the fourth parte of
 the church, the prohibition shal haue
 no place. And know y this writte is not
 retournable, but if they cease not in their
 pur-

Proces

pursute he shal haue one attachement, & after the attachment retourned, y^e distres shal goe out of the rolles of the iustices.

¶ Addition.

Knowe ye that if an abbot be person, in **W. 12. C. 4** persōe of the churche of Wale, and he demaundeth y^e fourth part of the dimes against one A. Person of the same church whiche is in, of y^e presentment of a stranger. In this case the person of his patron shal haue y^e *indicavit*. And yet they are but thre persōes in al. And if a man hath iugement to recouer dimes amounting to the valure of the fourth part, and sentēce definitive is geuen, and the descendaunt appeleth to the bishops court by the whiche the bishop doth send a delegacie to certayne persons, and they make subdelegacy. In this case the partye shal haue the *indicavit* to the iuges subdelegacy.

Knowe ye that befoze the Libell be put in, in court Christian, he shal not haue **Pa. 31. H. 6** the *indicavit*, and it behoueth to him that will haue the *indicavit* to shew the Libell to the Chanceller.

¶ A writ of conclusion.

Rex iudici tibi salutem. Ex parte w. de H. per sona ecclesie de S. nobis est ostensū qd cum ipse nuper petierit corā vobis in curia christianis satis versus J. de E. & de J. executores velli B. defuncti secundum melius auctum, quod fuit

A writte of
consultation
is luche

C. 111.

clausē

Natura

eisdem B. nuper parochiani dicte ecclesie defuncti
 noie mortuam dicte ecclesie debet, ac p[re]stat excent
 p[ro]cessu p[re]iudicij coram vobis inchoari fraudulen
 ter machinantes impedire asserentes quam p[re]iudicij illud
 in curia christianitatis de catallis & debitis, que
 no[n] sunt de testam[en]to vel matrimonio quada[m] p[ro]hi
 bitione nostra ne placitum vobis dirigi p[er] cui[us] curi
 p[ro]hibicio[n]is p[re]textu i[n] causa illa hucusque p[re]cedere
 distulistis et ad huc deferitis in ip[s]is. W. & ecclesie
 p[re]dict[ae] graue p[re]iudicij & in habundacio[n]is p[er]icul[u]m
 manifestum, & quia in articulis p[re]fatis p[re]stat & cle
 ricis nostris p[er] nos nup[er] co[n]cessis plen[us] continet q[uo]d
 in decimis, oblationibus mortuam, q[uam] sub istis no
 minibus p[ro]ponuntur p[ro]hibicione n[ost]ra non est loc[us]
 vobis significamus, q[uo]d i[n] causa p[re]dicta si vero de
 mortuam agat (ut p[re]dict[um] est) tunc non obstant p[ro]hi
 bitione n[ost]ra ulterius facere poteritis, q[uo]d scdm
 for[m]am ecclesiasticam fore videritis faciend[um] teste ec.

And this writ lieth in case where a man
 is impleaded in court Christiane, of
 thynges whiche toucheth testamente, or
 matrimony, and the defendand doth pur
 chase a prohibition in the Chauncery, dy
 rected to the ordinaries, commaundinge
 them to cease of theire plee and pursuite
 by force of which prohibition, the plee is
 extinguished, then the plaintife shal co[n]
 into the Chauncerye, shewing the coppe
 of theire p[re]l contemned in bys byll to the
 Chaunceller, and then he shal haue p[er] said
 writ directed to the ordinary before sayd
 commaunding the to pursue forth in p[er] p[re]
 not withstanding the prohibition before
 to them directed. And know ye that a co[n]
 sul

sultacion lieth euer for the pleintif, that
first moueth the plee in court Christian.

A writ of vi laica remouenda.

Rex viſ salutē. Precipimus tibi qđ vi laicam **A** writte of be
et annatā qđ B. tenet i p̄benda **A. de C.** in ec- laica remouē
clesia de C. ad pacē nostram perturbandam sine da, is suche
dilatione amoueas ab eadē, & si qđ tibi resistētes
inuenieris tunc assūpt tecū suffic. posse cōm tui si
necesse fuerit & eos p̄ corpora sua attach. et in pri
sona nostra saluo custod. ita qđ hēas corā nobis.
ec. vbicunque ec. ad respond. nobis de cōtēptu, &
recessima sup̄dictis. Et hēas ibi hoc b̄te teste ec.

This writ lyeth wher debate is betwixt
two persones for a church and the one
doth enter into the church with gret po-
wer of lay men, and doth holde the other
out with force: thē he y is holdē out shal
haue a writ directed to the Shirefe, that he
remoue the greate power of laye menne
(which is within the church) and it shal
be commaunded to the Shirefe, that if hee
finde any menne making resistence, that
he shal take with him the power & ayde
of his county. And al they that did resist
shal be attached by theire bodyes, and put
them into prison vntill they come befoze
the king at a certaine daye to answer of
the contempt. And this writ is retourna-
ble, and shal not be graūted befoze that y
bishop of such a place, or suche a church
hath certified in the Chauncerye by hys
writte of such resistance ec.

A

I writte of ex-
communicato
capiendo
is such

A writ of excommunicato capiendo.

Rex vñ salutē, Significavit nobis R. venera-
bilis pater A. eps per litteras suas patentes,
quod R. propter manifestā contumaciam suam
excommunicatus est, nec vult per censuram ecclē-
siasticam iustificari, quia vera potestas regia sa-
cro sancte ecclesie in querelis eius de esse nō de-
bet ubi precipimus q̄ predictum R. per corpus
suū secundū consuetudinem Anglie Justic̄ do-
net sancte ecclesie tam de contemptu quam si in-
iuria illata ab eo fuerit satisfactum teste &c.

This writ lyeth where a man is exco-
mūged by the bishop, and if hee will
not be iustificied by the ordinary. Then the
bishoppe shall sende his letter patent to
the Chauncellour reberlinge the excom-
mūgement. And then shalbe commā-
ded (to the Shirif of the saue countye) to
take the bodye of him that is cursed: & by
his body he shalbe chastised vntil he sub-
mit him se fe to the order of holy church
for the cōtempt and wrong by him done.
And this writ is a Justicies. And if the
Shirife will not make execution of saide
writ, then shall go out a *sicut alias*, and plu-
ries, and after attachement, as in a Re-
pleuin. And knowe ye, that if he that is
excommūged hath made agremente, as
well for the wrong as for the contempte
made to holy church. Then the bishoppe
shall sende his writ to the kinge, certify-
ng by the same writ that he hath made
agre-

agrement with holy church for the contempt. Then shall be commaunded to the shirife of the same countye by a writ De excommunicato deliberando: y he shall deliver that same man which is in such manner imprisoned. &c.

Addicion.

En. 30. C. 3

Know ye that a certificat made by these persons of any excomengement (is to no valure. If y bishop certifie excomengement by his letters, it is nothig to y purpose.

Li. 28. i

The same law is, if the commissary of the bishop certifie excomengement, but if it be certified by y archdeacon of Richmond or by the Deane and chapitour of Caunterbury, in time of vacacion it shall be allowed,

E. 7. C. 4

But if the deane of saint Martins, or Abbot of saint Albons, or other lyke which are persones exempt of every ordinary iurisdiccio, certifie excomengement it is nothig to y purpose, nor of no valure

Da. 10. C. 3

W. 11. C. 4

The same law is, if a bishop certifie excomengement made by another bishoppe.

H. 33. C. 3

And if y bishop be dead before y the letter of y certificacio be shewed, it is boide.

H. 5. C. 3

The bailiffes and communalte of C. brought a writ of rescusse &c. and shewed all the matter (as appeareth in the case &c. And the defendant laide, y at the time of the writte purchased, one J. and W. was bay,

**Item canē
W. 30. C. 3,**

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bailiffes, and saide that they were excommen-
ged, and shewed the letter of the bis-
shop testifying the same, and for that, y^e
the writte is taken by the bailiffes and co-
mmunitie without naming anye persone
by proper name, and the letter of the bis-
shop proueth not for what cause y^e plein-
tife nor any of them are excommen-
ged. &c. the defendant was awarded to aunswer
ouer &c.

7.7.11.2.

In Trespas the defendannt said that y^e
plaintife shall not be aunswered for y^e, y^e
he is excommen-
ged. And shewed y^e letter
of the bishop of **P.** testifying the same
which was red &c. **Quere** (if he haue a let-
ter of absolution (if this writte shall a-
bate or no, it is saide that it shall not a-
bate. But the iudgement shalbe that the
defendant shall go to god and y^e pleintife
shall not be amerced, but of vtila worpe o-
ther wise is, as it is thought: for ther the
writ shal abate.

Quere.

20.2.11.3

Affise broughte by a Gardeine of an
hospitall, against the Archebishop of **C.**
and **W. P.** & they alleged y^e the playntife
is excommen-
ged, and shewed a letter of y^e
same archbishop (which proueth that hee
is excommen-
ged) at the instance of **W. P.**
and for that, y^e **W. P.** and the Archebi-
shop are parties to the Affise, they were
charged to aunswere ouer.

CA writ of excommunicato deliberando. **A** writte of excommunicato
Ex venerabili ec. episcopo salutem. **O**stenſu communicato
Reſt nobis ex parte W. qd cū ad denunc. vestra deliberando
 ipsum per vic. nostrum L. tāque ex cōmunicatus
 clamor ecclesie contēpnētes, precipimus Justic.

Et eidē in sub cantione, idoneū absolutionis be-
 neficiū J. petierit vos ipsū contra iusticiā ad hoc
 admittere recusatis. **Et** ideo vobis mandam⁹ qd
 ipsū W. cum cantione huiusmodi absoluat is alio
 quā qd nō est in hac pte requiritur, teste ec. **Alit**

Ex vic. salutē cū A. de H. quē ad donationem
Episcopi venerabilis ec. tāquā excommunicatū
 p corp⁹ suū secundum consuetudinē Anglie p te
 iustificari, precipimus, donec sacte ecclesie tā de
 contemptu quā de iniuria ei illata ab eo esse satis
 fact et iam ab episcopo ipso absolutionis benefi-
 ciū in forma iuris meruerit optinere, sicut idē e-
 piscopus per litteras suas patētes nobis signifi-
 cavit, **T**ibi precipim⁹, qd ipsū A. a p̄sona, qua de-
 tinetur, si ea occasiōe & nō alia detineatur in ea-
 dem sine delatione deliberari facias: teste ec.

This writte is, as a Justicies, and if the
 shirif make not erecucion of thys writ
 he shall haue *sicut alias* and Pluries. And
 knowe ye that when a man hath conty-
 nued in sentence by xl. dayes and the Bi-
 shoppe hath sent his writte to the kyngs
 court that he will not be reconsiled by h
 order of holy church, the king shall sende
 to the shirif that he be taken, and put in
 p̄rison vntill such time, as he wil be obe-
 dient again to the law of the holy church.
But if he excommenge (after that he bee
 in p̄rison) suffer sufficient paine, to bee
 bnder

under the tuition of holpe church, if the
bischop refuse suche satisfaction, hee shall
haue this writ to be deliued out of prisō.

A writte of
Juris vtrum
is such.

A writte of Juris vtrum.

Rex vic. p salutē S. J. psona eccl' de B. vel
sic: si B. prior eccl' beate Marie de L. psona
eccl' de B. fecerit te ec. tunc sum ec. xii. liberos.
ec. de vish de C. quod sit corā Justic. nostris ad
in all. ec. vel coram iustic. nris apud w. tali die
parati sacro recogū vtrum vnum messu. cum pñ
in C. sit libera elemosina pñ ad ecclesiā ipi⁹ A.
de B. vel ipsi⁹ pñis d B. aut latū scodū. J. vel
sic vtrum sit libet elemosina pñ ad eccl' vel ad
capellā aut ec. iteri mesuagii illū videāt & noia
corū in bñari fac. & sum p bonos sum pñict J. q
messu illud tenet qd tūc sit ibi auditur⁹ illa re-
cogn. et habeas ibi sum. et hoc bene teste ec.

This writte lyeth, when the righte
of any church is aliened and holde in
lay fee, or translated in the possession of
any other church, & if the alienour dye,
than his successour shall haue the sayde
writ. And know ye y no mā whiche hath
couent or couent seale maye maintaine
this writ. But a writte of entre: sine assēsu
capituli, of the alienacion made in time
of his predecessour as appereth clerely by
a pñe in. An. 15. C. 3. where the gar-
deine of the Hospital of S. prayd in ayde
of the bishoppe of S. and hadde no ayde
because that the hospitall hath couent
seale. And knowe ye that no man maye
vse a writte of vtrum, if he bee not na-
med

med person. But now by the statut of E
the thirde. An. 114. ca. 16. whyche begun-
neth. Item est assēt et estable, que vicaris
gardeins del chapel, prouostes de Chaun-
cerles ppetuels purrōt bser cē bziēse du-
trū des tres ou tenements &c. And also
J. de B. Gardeine of the hospitall of S.
brought a writ of *vitum* the same yere, &
was maintained though that the statute
aforesaide maketh no mencion of Gar-
deines of hospitalles but y was maintai-
ned because it was i like case. And know-
ye y the statut of west. 2. ca. 24. which be-
ginneeth. In quibus casibus concedit bre-
ue in Canc: in whiche statut is contained
this clause. *Quod modo sicut concedit bre-
ue vtrū aliquod tenementū sit libera eli-
mosina alicuius ecclesie, vel laicū feodū tali
decreta fiat breue &c.* And this writte was
not graunted, but there where the almes
of anye churche was translated into laye
fee. Nowe it is ordained, in the foresaide
statute of westm. 2. that it shalbe graun-
ted aswel there where it is translated in-
to y possession of anye other churche, as
there where it is translated into laye fee
And the proces is such in this writte, *So-* **Proces**
mons & resomons againe y partie. And
in assise of *Mordauncester*, and againste
the *Turours*, *Somons*, *Habeas corpora*,
and distresse. And in this writte shall
be

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be giuen the same dayes, as are giuen in
Assise of Darraigne presentment, & *Quare*
impedit, as it appeareth by h̄ Statut of Mar:
lebyge. Cap. 22.

Addicion.

2.19.3.2

Know ye that a recovery in Assise a-
gainst the pleintife selfe, is no barre: for
that, ȳ this is his writ of right, & the plee
is not but h̄ Jury, of her wille is, if he had
said ouer, & the state of h̄ pleintife ment.

2.7.4

If the tenāt plede a recovery in a *Cessant*
that is no barre, for that that h̄ right is to
be tried, but he shal conclude & so lay fe.

2.8.3

Know ye ȳ if a man recouer in a writte
of right against a person, in which ple he
hath not prayed in aide of his patron, in
this case his successour shal haue a *Iuris*
utrum: and the recovery in the writte of
right shal not barre him.

2.3.1

In a *Iuris utrum*, brought by a person of
a chapel, h̄ writ was maintained for him
for that, ȳ he toke his title by presentment
and Institution, as a person of a churche.

A writ of waste.

**A writ of
waste is such.**

Rex v̄c. salutem. Si I fecerit &c. tunc sum &c.
Rostensurū quare cū de cō: consilio regni nostri
Anglie proutsum sit quod nō liceat alicui vassū
vendicionē seu destructionē facere de terris, do-
mibus boscis, seu gardinis sibi dimissis ad ter-
minū vite sue vel annorū id b. de domib⁹ boscis
& gardinis, vel sic de domib⁹ boscis & gardinis i
2. q. 3. et dimisit ad terminū annorū, fecit vassū

*A. cōtra formam prouisionis predictę, & habeas
ibi &c. teste &c. Eodē modo fiat ad terminū vite
vel p legē Anglie, vel aliquo modo mutandum.*

This writ lieth, wher tenāt foz terme
of lyfe, oʒ tenant in dower, oʒ tenant
by the curtesy, oʒ gardeyn in chynalrye,
oʒ ternaunt foz tearme of yeres, maketh
waste: he in the reuercion shal haue this
writ (where by the cōmon lawe they had
but a prohibiciō of wast.) And thys writ
is geuen by the statute of Westm. 2. ca.
14. And in the same statute: *Proces* is
suche, somons, attachement, & distresse.
And if the party come not at the distresse
then shalbe commaunded to the shirpe
that he enquire of the waste: and if the
waste be founde by the inquisition of the
enquest, it shalbe returned, and the party
shal recouer treble damages, and the en-
quest shal geue but single damages, and
the court shal treble them, & also he shal
lose the place wasted. And that is geuen
by the statute of Gloc. Ca. 5. which thus
begynneth. *Curueu est ensemet q̄ si hōe
&c.* And also the same statute will, that if
any gardeyn make waste, he shal lose the
warde, but if the losynge of the warde a-
mounte not to as much in value as the
wast done, then thinfant at hys ful age
shal haue the said writ of wast & recouer
his damages foz the rēnant. Also in case
that the ternaunt foz tearme of lyfe (oʒ of

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other persons lyues, make waste and let
ouer his estate, than he in the reuercion,
shall haue this writ of wast against him
to whom the tenaunt for terme of lyfe,
or of other persons liues, let his estate, &
he shall answer of wast made in his owne
tyme, for he taketh the lande in such de-
gree as it was in time that y^e lesse let his
estate, but otherwise is in case y^e tenaunt
in dower, or by y^e courtesye, let ouer their
estates, and they to whom the tenementes
are letted, do make wast, he in the reuer-
cion shall haue a writte of wast againste
those tenants in dower, or by the cour-
tesye, & not against the lesse, for none may
be called tenant in dower, or by the cour-
tesye, but the same tenants in dower or
by the courtesye. And it is saide, y^e in case
that tenant for terme of lyfe make wast
and surrendre his estate to him in the re-
uercion, and he doth accept it, & manure
the lande after, he shall neuer haue an ac-
tion of waste, for that he was not constrain-
ed by the law, to recene or take the land
the same lawe is of the other aforesayde
tenants. And know ye, that if lande be
letted to a woman sole, and she taketh a
husband, and the husband maketh waste
and dyeth, the wyfe shall answer of the
waste, and lose the land, & yeld damages
(if the wast be found) for that, that it was
her

her folý that she would take such a hous-
band y^e wold make wast. But other wyse
is where landes are letten to a mā & hys
wyfe, for terme of their liues, & the hous-
bande maketh waste and dieth, the wyfe
shal not answer for the waste made after
his death, for this was the folý of the les-
sour (which letted the lande to the hous-
band and the wyfe) the which wyfe shal
not be charged of waste made in tyme of
her housband. And know ye that if y^e te-
nant for terme of life, be disseised, and y^e
disseisor make waste and the tenant for
terme of lyfe do recouer by assyse, & such
matter found by the enquest, in a writte
of waste, he in the reuection shal recouer
of the tenant for terme of lyfe damages;
for the tenat for terme of lyfe recovered
damages against the disseisor, hauinge
regard to the wast made. And if the gar-
dēyn make waste, than shalbe done as is
cōteyned in Magna carta. Ca. 5. Custos
autem &c. But there where the kyng sel-
leth or geueth the ward of lands or tene-
mentes, of any infant within age, to any
man of the same seignorie, and the gar-
dēyn maketh waste, the king wil that he
shal lose the warde, and shalbe geuen to
two lawful mēne of the same seignory
Also by the newe statuts of. E. 3. An. 14.
Ca. 12. all suche landes which are in the
F. ii. bande

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hande of the kynge, because of a warde)
 shalbe lettē to the next frendes of the in-
 fant, to whom the heritage may not dis-
 cende (if they come hastily into the Chaū-
 cerpe) after the *Diem clausit extremum*, retur-
 ned: and there offer to take the sayde
 landes, yelding to the kynge the value
 vntil h̄ age of the sayd heyze as another
 man wil yeld, without fraud oꝝ disceit, &
 shal haue a cōmission to kepe h̄ said lādes
 and tenementes, by god and sufficient
 suertie, to aunswer to the king, of h̄ va-
 lure of the ward by h̄ accoꝝd of the Chaū-
 celour & treasurer, & the heyze shal haue
 an accion of waste agaynst them, whā he
 cometh at his ful age. And also by h̄ sta-
 tute of E. 3. An. 36. Ca. if the Eschetour
 haue any such ward, and both aunswere
 the kinge of h̄ issues, & maketh wast, the
 heyze shal haue an acciō of waste aswell
 within age as of ful age, agaynst h̄ esche-
 toꝝ & shal make fine at h̄ kinges wil. And
 the frendes of the infant, as long as he is
 within age, shal haue the suite, and ther
 of aunswer to the sayd heyze of that, that
 so shalbe recovered, when he cometh to
 his full age. And also in al cases where h̄
 heyze within age may implede, his next
 frendes shalbe receiued to pursue in hys
 name, as appereth by h̄ statute of west. 2.
 Ca. 15. And it is sayd, h̄ though the heyze
 be

he of ful age and in his lande, yet he shal
 haue (if he will) a writte of wast against
 him (y was Gardayn to him o2 againste
 him, to whom the Gardeyn let y warde)
 and after recouer damages. And knowe
 ye that if the chiefe lord infeffe any man
 of parcel of the same, y is in his ward, the
 heyre shal haue assise of Nouel disseison
 mayntenant against the Gardeyn & the
 tenant. And y Gardeyn shal lose y ward
 shyp of the same thing recouered, and of
 all the remnāt y he holdeth in the name
 of the heyre for all his life. And that wil
 the statute of Westm. 1. Ca. 47. which be
 gynneth thus. Si gardeyn ou chief seig-
 nio2 &c. And know ye that a writ of wast
 shal not be maynteyned against y tenāt
 by Elegit, no2 against the tenant by sta-
 tute marchant, o2 by y statute of the sta-
 ple. But if they make waste, he in the re-
 uersion shal haue a writ of account, and
 the sayde tenantes are accountable after
 the dette o2 damages leuied. And know
 ye against tenaūt in moztgage, no writ
 of waste no2 account is mayntenable be-
 cause that he hath fee condicionall. And
 know ye y by the statut of West. 2. ca. 22
 which begynneth. Cū duo vel plures, te-
 neant bolcum &c. that if woodes, turba-
 rie, o2 fyshinge be holden in common, of
 two o2 thzee men, and y one of thē make
 F.iii. waste

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waste, the other shal haue a wytt of wast
fourmed in this maner. Cū A. & B. tene
ant boscum vel turbariam p. indeuiso, &
fecit bastum &c. And if the wast be soude
it shalbe in hēleccion of hē defendaunt to
take his parte by that assygned of hē shyr
rise in the place wasted, or that he graunt
that he shal take nothing in such wodes
or turbarie &c. wyll but as hys parteners
will take. And if he will choose, to take
hys part in a place certayn, the place wa
sted shalbe to hym assygned. And in case hē
he graunt in the courte that he shal not
take other wise thā his companiōs will,
and after he maketh waste, hys felowes
shal bying the said wytte, and if he wyll
take his eleccion, as he didde in the firste
wytte, he shal not be receyued, for the
statute geueth but one eleccion, and that
hath he hadde, for the whiche these pley
tifes shal recouer the place wasted. And
this wytte lyeth aswel betwixte theim
that holdeth for their lyues, as betwixte
them that holdeth iointly in fee, & as wel
betwixt thē that are in the tenement, by
diuers titles, as by one tytle if they take
the profits in common, and no man kno
wing his seueral. As it appeareth, Mica
el. 21. C. 3. fo. 1. whan anye ought to haue
Ctowers in anye wodes, and hē wodes
be wasted and cutte downe, than he shal
not

not haue Affise of Pouel disseisin, & that
by the statut of we. 2. Ca. 25. which be
gynneth. Quia nō est aliquod breue per
quod &c. And if he be disseised of such Estou-
uers & dyeth: hys heyre shall haue a Quod
permittat de estouariis. And also if the heyre be
disturbed to haue estouers mayntent af-
ter y death of his father whercof he dyed
seised, the heyre shall haue a Quod permittat
of Estouers in the place of affise of mort-
dauncestre, the wytt is such.

Rex vice. salutem. D. B. q. iuste &c. permittat
B. habere rōnabil estouariū suū in bosco vel
in turbaria vel in bzaet ipsius B. in C. qd in co
vel in ea habere debet et solet, vt dicit &c.

Quod per-
mittat de estouariis is such

And also in case if the heyre be distur-
bed as afoze is saide, the wytt shall say q
pmittat B. habere rationabile estouariū
suū, in bosco ipsi⁹ it is in. B. de quo C.
pater predicti B. cuius heres ipse est, obi-
it seissitus in dñico suo vt de feodo. And
know ye y executors may not maiteyn a
wytt of wast, but it shal be mayntenable.

Adicion.

It is said that a wytt of waste lyeth at M. 12. B. 4.
y commō lawe against the whose estates
are made by the lawe as against the gar-
dein of a warde, tenant in dower and te-
nant by the curtesie, and soz that in such
writs it nederb not to rehearse y statut.

If a man doe manase o2 threaten anye
villaynes which are regardeant to a ma. C. 9. B. 6.

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ner in another countie, thā where the maner is so, that they are eloynd and gone away, the accion of wast shalbe brought in the countie where the maner is, & there shall the wast be tried, for the wast is all tymes in the maner, but of trespas, per-
adventure the lawe is otherwyse.

H. 49. C. 3.

In a writte of waste of a house, it is a good plee to saye, y after the lease, the les-
sour made the house against the wil of h
lesse, iudgemēt &c. And this is a good plee.

H. 48. C. 3.

In waste the pleyntyfe supposeth the
waste to be in diuers thinges, y is to say.
in a graunge house, and cotage, and dy-
uers ples wer pleaded, as to h graunge
and cotage, as appeareth in the case, & as
to the house, he sayd that it was sieble at
the tyme of the lese &c. and the pleyntise
sayde that you your selfe, by this dede in-
dented, whiche here is, graunted to re-
paire and kepe by the sayde house, in as
good estate & better than they wer, whā
he thē receiued, so is he bounde to repaire
& kepe by the house &c. iudgement, if he
shalbe receiued, to say that the house fell
for sieblenes, and it was iudged that this
dede indented, shall not charge hym in
thys accion of waste.

A writ of Es-
trepament is
such.

A writ of Estrepament.

Rex Ed. 10. salutē. Cum in statuto apud Glouc
dudū edit inter cetera continetur: qd a tempo
re quo

re quo p[re]stū motū facit in ciuitate Lōdō p[er] b[er]e
tenēs non habet potest[ate] faciendū bastū vel estre
pamentum de tñ, q[uod] est in d[omi]nā pendēte p[re]sto, & q[uod]
ordinatio & stat[us] in aliis ciuitatib[us] & burgis & a
libi p[er] totum regnum Anglie obseruentur ac iam
ex graui querela w. de C. acceptim[us], q[uod] licet p[re]stū
pendeat coram balliuis nostris de S. p[er] patrum
b[er]ene n[ost]rū de recto inter A. petentem & T. tenē-
tem de vna bonata ter[ra] prati bosci cum pert[inenti]a
in C. tu tamē bastū & estre pamentū fecisti, & in
dieb[us] facere non desistis pendente p[re]st[er]e p[re]dicto in
ipsius will[elmi] dispendiū non modicum & grauamē,
ac contra formam statuti & ordinationis predic-
torum p[re]sto p[re]dicto p[er]dente in discussio, telle &c.

This writte is in maner a prohibicion
and lyeth where a man is impleded by
a p[re]cipe quod reddat, of certayn lādes o[ri] te-
nementes, and the demaundaunt suppo-
seth that the tenaunt will make wast in
the landes o[ri] tenementes, hangyng the
plee, than he shal haue the said writ as is
conteyned in the statute of Glouc. Ca. 13.
which begynneth thus. Puruen est ense-
ment que del heur &c. And if the plee be
moued in London, than the demaundat
shal haue the sayd writte directed to the
Mayre and shyryfes, y[et] they shal cause the
tenementes to be kept, & that no waste be
made in thē. In thesame maner shalbe if
the ple be moued afoze the iustices, thē y[et]
demaundant shal haue this writ directed
to the shryfe of the same countie, where
these tenemētes are, to defend the tenāt
that

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that he make no waste hanging the plee:
And know ye that this writte lyeth p^{ro}perly, when a man demaundeth any lades
or tenementes by a Formedon or writte
of right where he shall recouer no damia
ges but in case y^e he bring a writ, wherein
he shall recouer damages, than he shall re
couer damages hauing regard to y^e wast
And also in case that he hath recovered
by iudgemēt in the kinges court, & y^e te
nant after the iudgement geuen, & afoze
that the demaundant be put in possession
by the shirife by force of a writt whiche is
called *habere fac. seisinam*, he maketh distruc
cyon, then he shall haue attachement a
gainst the tenaunt, to be afoze the Just
ices at a certayne dale, to shewe fo^r what
cause he made waste, & there shall be mēci
on made in y^e said writte of the recovery
had befoze. And this writt shall goe out of
the Rolles of the Justices, if it be not in
tyme of bacacion when the Justices are
risen, & than it shall be made in the Chaū
cery. And the proces is such, attachemēt
and distresse, and fo^r default of distresse
proces of vtlawry.

¶ Adicion.

Proces

h. 3. c. 6

¶ In Cōrepament agaynst an infante,
he p^{ro}ayed his age, and was put out fo^r y^e
that it is but in the nature of trespass. In
the same plee it is sayd, that proces of vt
lawry

lawylyeth not in this accion.

And if a man recover land, the whiche was solwen, & afoze exrecucion sued, the tenant hath reaped the cozne, & carped it away: in this case he that recovered, shal not haue a writ of **C**trepament, but an accion of trespass.

H. 18. C. 2

A writ of **D**e homine replegiando.

A writ de homine replegiando is such,

Recit. **R.** salutē. **P**recipimus tibi q̄ iuste & sine dilatione repli fac. **A.** quē **B.** cepit, & cap tū tenet, vel sic quē ruple cepisti & cap tū tenas vel quē **B.** cepit, & ruple cap tū tenas ut dīc tū si cap tū sit p̄ speciale p̄ceptum nostrū vel cap tū iustit̄ nostr̄i vel pro morte hominis v̄ foreste n̄ra, vel p̄ aliquo recto, quare secūdū cōsuetud̄ regni nostr̄i **Engl** non sit replegiabilis. **Re** amplius inde clam̄ aud̄ pro defectu iusticie. **scite** ec.

This writ lyeth, where a man is im-
prisoned, whiche is recopleuisable thā
be that is in prysen shall haue the sayde
writte directed to the shyriffe, that he re-
pleuy hym which is in prysen (except he
be in prysen by especiall commaundement
of the king) or of the chiefe Justice, or for
the death of a man, or for the kynges fo-
rest, or for anye other cause (whereof he
shal not be repleuisable.) And knowe ye
that this writ is a **Iusticies**, and not retur-
nable, but if the shyriffe make not repleu-
yn by this writte, then shall goe oute a
sicut alias, vel causam nobis significet: and yet if he
doe it not, or if he may not do it, thē shal
go out *Cū pluribus vel causam nobis significet* whiche

che shal be retourned. And if the thyrise
 make not yet repleuin, thā shal ther goe
 out attchement againste the thyrise, dy-
 rected to the cozoners of the same countie
 that they shal cause the thyrise to be atta-
 ched, & ouer that, that they shal make ere-
 cucion of the first writ, & that by the sta-
 tute of west. 1. Cap. 15. which beginneth.
 Pur ceo que les vic. & auters &c. the thyr-
 rise, constables, noz baylifes, of see, shal
 repleuin any man y is not repleuisable
 and he that hath the keeping of prysōs in
 fee, shal lose y bailewike for ever & shal
 haue then prysōment of thre yeres. And
 he that holdeth these prysōners (whiche
 are repleuisable) after y they haue offered
 sufficient suerty, shal be greuously amer-
 ced against the king. And knowye, that
 if a man doe a trespass within the forest,
 for which he is taken, and put in prysōn
 and y gardein of the forest will not hym
 repleuin, noz lette hym to maynpryse: a
 writ shal be sent to the thyrif of the place
 to attache the saide gardeine, to be before
 the kinge at a certayne daye, for to shewe
 wherefoze he hath not made repleuin of
 the saide man, and be it contained in the
 writte that the thyrise call the verdours,
 and the names of the maynpernours to
 make deliuerie to the sayde verdours,
 and answer in Eyze before the Justices.
 And

And that by the statute of Ed. the thyrdo
 An. 1. Ca. 9. which beginneth. *Cū Hugh*
et. And knowe ye that no man shal be ta-
 ken no2 imprisoned for bert, o2 benison
 if it be not found by verdit o2 enditement:
 in which two cases he shal let to mayne-
 ppyse by the wardeyne of the office, o2 o-
 therwyle by writte, o2 the Wardeyn shal
 be attached as is aforesayd. And y^e fourm
 how a man may be endited for trespas of
 bert o2 benison, is conteyned in the sta-
 tute, which is called *Addicio de foresta*
 made in the time of king Edward, sone
 of king Hery. An. 34. And know ye, that
 for trespas in parkes, a writ of trespas is
 geuen to the party, to recoucr his dama-
 ges, o2 elles the kyng shal haue the suite
 after the yere and y^e day, as is mencióned
 in the statute of West. 1. Ca. 20. whiche
 begynneth. *Purueu est ensement que ma-*
lefectours in parkes ou en viuers et.

A writ of *Replegiare de aueris*.

Rex vic salutem. Precipimus tibi q^d iuste et. A writte of
replegiari fac D. de R. aueris sua, q^d B. de W. *Replegiare*
cepit et iniuste detinet ut dic. Et postea cū inde de aueris is
iuste deduci facias. Ne amplius inde clamorē suche,
audiamus pro defectu iusticie: telle et.

This wrytte shal goe out of the Chaū-
 cerys, dyrected to the Shyrife, that he
 make deliuerance of the beastes of the
 tenaūt whiche are in name of dystresse.
 And if the Shyrife serue not the wrytte,
 than

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than shalbe made as is aforesaid, *De hominibz replegiando*. And know ye that in taking of bestes. vi. thinges are necessarie, that is to say, very lord, very tenant, seruice beynde, the daye of the takinge, seyson of the seruices, & within his fee. And know ye that a man is not very tenat vntill he hath attourned to the lord by some seruices. And know ye that a man may haue a repleuin, as well by playnt, to þe Shyrife or bailifes of the fraunchese, as by writ. And know ye that the statute of westm. 2. Capl. 2, which begynneth. *Quia dominus feodorum &c.* will, that if the tenant haue repleued his beastes by writ in the countie, the lord shall haue a *pone* out of the Chauncerye, directed to the shyryfes that he remoue the plec, which is in the countie or in other court, betwixt one such lord & one suche ternaunt into the kings courte, and the *pone* shall saye: *Done loquelam que est in com tuo per breue nostrum, inter J. & R. de auctis ipsius J. captis & iniuste detentis &c.* And also the defendant may remoue, but not wythout reasonable cause as it appereth more playnely by the Register. But if the plec be without writte in countie or in courte Baron, than maye the playntife remoue the plec into the common banke by the *Recordare facias*. And in þe same maner may the

the

the defendat with reasonable cause. And knowe ye, that if the lord that distreined doe distreine another time after that the shirife hath made repleuin by writte, or without writte, as well afore the pone, or the Recordare as after, and for the same thing, for whiche he toke the distresse afore, the playntife may haue a writ directed to the shirife for to attache y lord for to be before the Iustices of y common banke at a certayn day to aunswer, wherfore he tooke the seconde distresse for the same cause, if the distresse be made after the pone, or after the Recordare, than the writte shall commaunde the shirife, that he haue the bode of the lord before hym and his cozoners at his next couite, and if the lord be convicted of the second distresse take for the same cause, by y same baylifes which made the repleuin, or by other good people of the same countie, than he shalbe amerced so greuously y hys chastysment. In casu consimili ty morem aliis prebeat taliter delinquentibus exemplū. And this writ is maintained by y statute of Parl. Ca. 3. which beynneth. *De quis maior aut minor.* And y proces is in this writ of pone. *Homons Attachement, & distresse.* And for defaul of distresse, proces of vtlawry againste y defendat. And y appereth in a merueilous case

case that the lord shall have the *pone*, for by the common law, the defendant shall not have the *pone*, & the lord in this case appereth to be defendat, when the tenant hath brought against him a replevin. but it is not so here, for as much as the lord distrained his tennant, for the services & suites, which to him was due. And there fore it shall be intended that he is demandant, & not defendat. And this clause shall be put in the *pone*. *Quia talis distrinxit in feodo suo pro serviciis sibi debitis &c.*

Adicion.

D. 10. H. 6.

In replevin it is a good plea for the defendat to say, that the propertie of the beasts, was in one such & not in the plaintiffe.

D. 33. E. 3.

If the lord distrain his tenant not standing thay the tennant have agayn his beasts, he shall have a replevin, for that that he may not have an action of Trespasse. And it is a good plea to say, that the plaintiffe hath nothing but in common.

D. 1. H. 6.

And in a replevin brought in by dyvers persons, the defendant may say, that the property is in one of these plaintiffs, and not to all. And if a man take a false writ of replevin, by which the defendat hath returne, the plaintiffe shall have a newe replevin, and so he may have of as many false writtes as he wil, for that the statute dooth remedy but one suite onelye.

If a man in a repleuin, auowe the taking of þe distres. &c. & the distres in cozne in the sheafes, that is no good auowye, for it is saide that a mā may not distrein wheate in sheafes, ne other maner of cozne excepte that they be in a carte, for a man may not distreine in shokes, for the losse that may folow in scattering of the same cozne &c. And so it is of money, if it bee not in a bagge sealed for that, y one peny may not be know by the other, and that appeareth in Trespas.

He that is a straunger to auowye shall charge the auowant, to auow vpon hym though he claime not by hym, vpon whō the auowye is made, if he may lay seison by the pleintifes handes, for if the auowant accept him for his tenaunt though he y he come in by disseison or otherwyle hee shall auow vpo him. And it is said in the same ple if the bailife make cognisaunce and the lord ioyne to hym, the pleintyfe shal reconer damages against the lord. And if the lord auow for the same cause, the bailyfe is maintenāt out of the court. If a rent be graunted to me, and another & my felow releaseth to me. I shall make auowye for all the rent, & yet I am by seuerall tytles, but it is conuenient that I shewe the release in myne auowye.

He that hath estate, of one cōpercener
G.i. shall

Q. 7. E. 3

shal auow for a rent graunted vpon the
purperty without dede, & shewe the mat-
ter in his auowye whose estate hee hath
¶ If the meane be foriudged the lord shal
auow vpon the tenant for the arerages
in the meane tyme afoze the foreiudger.
¶ c. for he may not auowe vpon the mean
in so much that the meanalty is extinct.

A writ of non admittas.

A writ of non
admittas is
suche.

Rex dicit salutem Cum per breue nostrum tibi p-
cipimus, qd aucta & que d. cepit & in iure d-
tinet vt dicit eidem d. repleceris vel causam no-
bis significes, quare mandata nostra tibi inde di-
recta exequi non potuisti aut noluisti ac balliuis
C. de. w. quibus returnum breuis nostri tibi in-
directi habere fecisti nihil inde facere curaueris
prout nobis significasti, precipimus quod ppter
libertatem predictam non omittas quin eam in-
grediaris & auct predict eidem d. sine dilat re-
pl facias eodem tenore breuis nostri inde tibi di-
recti teste &c.

This writ lyeth where any writ is di-
rected to the Shiris for to do the kings
commaundement. And the Shiris doth re-
turne the writ, and saith that he hath set
to the bailles of the fraunchise, whiche
haue retourne of writtes, within which
fraunchise the writte shal bee serued,
and the bayliffe serueth not the wytte,
then the partye pleintife shal haue
the sayd wytte dyrected to the Shiris
(Quod non omittat &c.) Cum exequatur pre-
ceptum domini regis &c. And also a mā
may

may haue auerement aswel against þe bai
lyf of the fraunchise, which hath hole re-
tourne of the kinges writte, against the
thirif aswel of smal issues so returned as
in other cases, as it appereth by þe statute
of E. 3. an. 1. ca. 5. And as is contened in
the statute of West. 2. ca. 39. in the mids
whiche beginneth Multociens etiam &c.
that the thirif shal warne the bailif that
he be afore the Justices at a certaine day,
as is contened in the kinges writte, and
if he come at the day limited, and hym
acquyte, that the thirife to hym directed
any pzecept, thā þe thirife shalbe condemp-
ned to the lord of the fraunchise, and yelde
damages, to the party greued. And if the
baylyfe come not at the day assigned, or
hym acquyte, then all the writtes Judi-
cialles, which shal go out of the banke to
the thirife, during the same ple: shal be
called Non omittas &c. And þe thirife shal
make execucion of all the writtes du-
ryng the ple. And in this case the lord
shal loose the fraunchise, hangynge the
ple. And know ye that if the ple of Wis-
thernam be in the countye, and the Shire-
ryffe sende to the baylyfe of the fraun-
ches for to repleyn the beastes or goods,
whiche are taken in the name of distres,
and the baylyfe will doe nothinge, than
the Shyreffe of hys offyce maye enter

in the fraunchise without writ. As appeareth in the statute of Parl. ca. 21. whiche beginneth: *Provisum est etiam, qd si aueria ec.* And also the statute of West. 1. ca. 17. which beginneth: *Purvenit ensement que nul ec.* And therefore it is not holden in the one case ne in the other ec.

A writ of *Withernam*.

A writte of
wythernam
is such

Rex vobis salutem cum pluries tibi precepimus qd iuste et sine dilatione resplac. A aueria sua que B. cepit & iniuste detinet (vt dicit) vel causa nobis significares quare mandata nra tibi inde directa exequi nolueris aut non potuisti ac tu nobis significaueris qd postq. pdictus B. auer. p. dicti B. cepit in comitatu tuo & ea a comitatu illo fugauit de com. i. com. ita quod inuenire no poterunt Nos malicie pdicti B. obuiare volentes in hac parte. Tibi precipimus qd aueria pdicti B. in balliua tua capias in withernam & ea detineas donec aueria pdicti B. respl. possis iuxta tenorem mandatorum nostrorum inde tibi directorum teste ec.

This writ lyeth where the lord distresseth his tenant, for certeine scrupes, or suites, and the lord doth chase the distresses to a forscote, or to a castell, or oute of the same countye where the distresse was taken, into another countye, or otherwise, so that the shirife maye not haue the sight of the beastes, for to make repleuin, or in suche lyke maner as appeareth by the Register. And if the tenant bringe this writte of repleuin. *sicut*

alias

et plus, and the Shyrife retourne þ
 he may not haue the sight of the distres,
 for that, that the distres is chased to a foze-
 telet, o2 castel, o2 out of one countye into
 another, then the saide tenaunt shal haue
 the saide writ &c. And knowe ye that by
 the statute of West. 1. cap. 17. whyche be-
 ginneþ: *Paruen est ensement, que nul*
desoymes &c. that if anye enclose the bea-
 ste, which he hath taken in name of dis-
 tres, in a foztelet o2 castle, that the Shyris
 maye make as is contained in the same
 statute, at the suit of the pleintif that the
 Shyris shal goe to the castle, o2 foztelet, &
 there warne the lord, o2 him þ tooke the
 beastes to make deliuerance, and if hee
 wil not make deliuerance, then hee shal
 abate the castel o2 foztelet for the trespass
 and despite done to the king. And knowe
 ye, that if the distres bee taken wpythin a
 fraunchyse, and the bailife of the fraun-
 chyse wil not redeliuer, then the Shyris af-
 ter complaint to him made, may deliuer
 the distres by his officer. As it appeareth
 in the statute of Marle cap. 21. whiche be-
 ginneþ: *Provisu est etiam qd aueria &c.*
 And the pres is in this writ as in þ pone.

¶ Addition.

Knowe ye that in a repleuin at the *pluris* 20. 7. C. 3.
 it was retourned, *aueria elongata sunt*
 and the defendant appered, & notwithstanding

Natura

ding a **W**ithernam was awarded, & for that that it was awarded erroneously, & Justices awarded a *super sedias* for the defendant, to the shirife to surcease, and if hee haue taken the beastes of the defendaunt that he them restore, and the shirife returned, that before the *super sedias* to him deliuered, he hath deliuered the beastes of the defendaunt to the pleintife. And that the pleintife the hath eloined, that he maye not them restore to the defendaunt. And the defendaunt appereth, and pleaderth to the original, that he tooke them not, and prayeth a **W**ithernam against the pleintif. And the court saide, & if & pleintif wil not wage deliuerance, & he shal haue it.

E.7.15.2

In a repleuin after auowse, the pleintif is nonsuit, and the defendaunt sueth a writ *de returno habendo*, and the shirif returned, that they were eloynd. In this case he shal not haue a **W**ithernam before & he hath sued a *scire facias* against his pledges. So knowe ye, howe a **W**ithernam shalbe awarded against the pleintife.

H.6.C.4

W.12.W.6.

Note ye that the shirife may awarde a **W**ithernam in his countye wher the repleuin is surd by pleint. For otherwise it shalbe in vayne to sue a repleuin before hym, if he may not make proces.

D.12.H.4

Knowe ye if the beastes of the defendaunt be taken in **W**ithernam, the shirif ought

ought not to deliuer the to the pleintife,
but ought to kepe the untill the defēdāt
wil deliuer the other beastes firſte taken.

For the writ wil *Quod capias. &c.* et *detineas*
quosque &c. And that is to bee intended in
common bank, otherwiſe is in the kings
bench, And ſo know the diuerſity.

The ſhirif may make take. *rr.* Dre in
Withernam, not withſtāding the reple-
ning be but of one Dre. And if the reple-
uin be of pots and pans, he maye take in
Withernam, Dren and other goodes.

An. 13. H. 6.
H. 31. E. 3.

A writ de Libertate probanda.

Re vñ salutem Monſtrauit nobis R. qd cū ip-
ſe liber homo ſit, et parat libertatē ſuam pro-
bare B. clamās eum natūm ſuum verat eū in
inuſte Et idco tibi precipim⁹, qd ſi predic⁹ B. ſe-
rerit te ſecut⁹ de libertate ſua probāda, tūc ponas
loquelam illam corā Juſt. c. n. s. ad primā aſſiſā
cū in partes illas venerint quia hūdi pbatō nō
pertinet ad te capiend⁹, et inter cū eidem B. pacē
ind⁹ habeſ fac⁹ & dic prefato B. quod ſit ibi loque-
lam ſuam verſus predictum B. inde proſecutus ſi
voluerit Et habeas ibi hoc breue &c.

A writ de Li-
bertate pro-
banda is ſuch

A writ de Natūo habendo

Re vñ ſalutē. Precipimus tibi qd iuſte & ſine
dilatione habere fac⁹ B. natūū cum oībus cat-
tuis, et tota ſequela ſua vbiſque inuētas fuerit
in bail tua niſi ſit in dñico nō qui fugi: ſi tñ ſua
poſt coronationem dñi H. R. prog nti. Et prohi-
bem⁹ tibi ſup ſoꝛiſtact ne quis eū inuſte detine-
at teſte &c. Aliter ſi manſerit in dominico p mi-
nus tēpus quā p vnum annum et vnum diē, tūc
ſiat pro domino natiui hoc breue.

A writ de na-
tūo habendo
is ſuch

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Rex. vic. salutē. Precipimus tibi q̄ nisi 3. qui
 B. clamat natum suum in com̄ tuo per h̄re
 nostrū manserit in dominico nostro de 12. p̄ vno
 annum & vnam diem sine calumnia non remansit
 at loquela predicta in com̄ tuo eo q̄ manserit
 in dominico nro per minus tempus &c.

These wrytts lye for the lord when hys
 neyse is fled from him, then the lord
 shall haue these directed to the shirff, in
 what county soeuer the neye is abyding
 or dwellinge, that hee cause the lord to
 haue hys neyse with al his goodes. And
 knowe ye that in suche wryttes mo niefes
 may not be demaunded then twoe. But
 mo niefes, may bring the wryt of *Libertate*
probanda, and that is in fauour of libertye
 And if the niese purchase his wyte of *Li*
bortate probanda, befoze that h̄ lord purchase
 his pone, he shalbe in peace vnto the next
 Assise of Iustices in Cyze, but if the lord
 purchase hys pone, befoze the niese pur
 chase hys wryt of *Libertate probanda*, than h̄
 wryt of *Libertate probanda*, is nothig worthe
 for the niese. And in this wrytte, it bee
 houeth that the lord pzoue, that hee was
 seised of hym, or of hys bloode. And yf
 the lord canne pzoue no seysure of anye
 of hys bloode, he shall winne nothyng
 if the niese haue not knowledged hym
 selfe in court of record, to be his villeine.
 And knowe ye that if twoe coperceners
 bring a wryt of *Natino habendo*, and the one
 is non

is nonsuit. The fate of both shall sayle,
 and that is in fauoure of lyberte. And
 knowe ye by the statute of E. 3. An. 25.
 De prouisor virtualiu. Ca. 8. that not-
 withstanding the adiournamēt in Eire
 in fauour of niefes, for delayinge theire
 lordes of theire action agai[n]st suche nief-
 es, the lordes shalbe recued, to alledge
 exceptions of villenage agai[n]st theire
 persons, in al writtes where that y^e saide
 writte of *Libertate probanda* is purchased by
 disceyte, and the lordes may seise the bo-
 dies of these vyllaines, as well as they
 may afore such writtes (of *Libertate proban-
 da*) were ordeined, or purchased. And loke
 in the statute of Richard the. 2. Capl. 6.
 an. 1. which begineth. Al greuous plain-
 tes que touchent lestate or villaines &c.
 And knowe ye, that if the villeine of any
 lord, haue dwelled in auncient demeane
 of the king by the space of a yere & a day
 without sclaunder of the lord or clayme,
 he may not haue him by no writte out of
 the said auncient demeane. But it is sayd
 if he be found out of auncient demeane,
 the lord may seise hym as hys villeine.
 And knowe ye that thys writ is vicoun-
 tyel, and not retournable but it may bee
 remoued by a pone, out of the countye, in-
 to the common banke, as it is sayde. And
 knowe ye: in case that the lord be not a-
 ble

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ble to distraine his villains, to cause the
make & do their services, he maye haue a
byl directed to the shirife, for to be aiding
to him ther where he is not sufficient &c

¶ A writ de Moderata

misericordia.

A writ de mo
derata miseri
cordia is such

Rex balliuis A. de J. vel tali domino vel vie.
salutem. Monstrauit nobis J. qd cū ipse nūq
amerciendū esset in cur tua de A. vel in cur pūc
ti dñi tui de J. pro modico delicto in qd incidit ac
tu vel vos ab eo gñe exigis vel exigitis redēp
tionem contra tenorem Magnę carte de liberta
tib⁹ Anglie, in qua cōtinet qd nullus liber homo
amerciet, nisi scōz quantitatem delicti. et hoc sal
uo cōtūto suo, & villanis salvo wayuagio suo.
Et ideo tibi vel vobis precipim⁹ qd a prefato A.
moderatam capias vel captatis misericordiā se
cundū quantitatem delicti illius ne clamor ad nos
inde perueniat iteratus teste &c.

Thys writte lyeth in case where a man
is amerced in county or court baron.
more greuously thā he ought to be amer
ced, in hauing no regard to the quantitie
of the trespass, then he shal haue the saide
writte to the shirife, if it be in county, or
to the bailye, if the pleinte bee in courte
baron, that they shall not amerce hym o
uergreuously, but after the quantitie of
the Trespas, And if they moderate not
the amercyamente by this writte, than
shal there go out a *sicut alias*, vel causam
nobis significes. And knowe ye: that
the register in this case geueth no other

proces after that ~~scut~~ alias, but a Somons
 Etideo quere. And if they do nothing bi
 this writ, then shall go attachement out
 of the Chauncery againste the that they
 be before the Iustices at a certain day,
 and after the attachement returned: yf
 they come not: then shall go out a distress
 and for default of a distress, proces of out-
 lawrye. And know ye that no man shall
 be amerced by the lawe, but hauinge re-
 gard to the quantity of his trespass. A mar-
 chaunt sauinge his marchaundise, and a
 villaine sauinge his gainage, hauyng re-
 gard to the quantitie of the trespass as a
 pereth in Magna Carta. ca. 14. Nullus
 liber homo amercietur &c. and in West.
 2. ca. 6, whiche beginneth: Et nul Cite,
 borough, ne vellein nul hōe amercie sans
 resonable encheson &c.

A writ de Transgressionem.

Rex vic. salutem Di. N. fecerit &c. tunc Done
 B. &c. q. sic &c. tali die osten. quare vi & armis
 in ipsum B. apud N. insultum fecit & ipsum verbe-
 rant, vulneravit, & male tractavit. Et alia enor-
 mia ei intulit ad grave dampnum ipsius B. & eō
 pacem nostram. Et habeas &c. teste &c. Aliter de-
 querera. Ostensum quare in querera ipsius B. a
 pud F. soderunt petras ad valentiam xx. li. sine
 licentia et voluntate sua ceperunt &c. Aliter de
 columbis Ostensum quare columbare ipsius B.
 apud T. noctant fregit et columbas suas in eod
 columbare existentes maliciose interfecit, per qd
 eodem B. volatum eiusdem columbaris totaliter
 amisit et alia enozmia &c.

A writte of
 transgression
 is such,

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Thys writ lyeth where the Trespas is made, or done to any man or woman, and supposed that the Trespas is done with force and armes. Tha he to whom the Trespas was made, shall haue hys writ, and in this writ he shal recouer damage. And note ye: y the statute of west. 1. C. 37. whiche beginneth: *Nur ceo qui alicun gent; de la terre &c.* a manne shall haue a writ of Attaint in plee of Londō, or freehold, or of a thinge that toucheth freeholde. And nowe by the newe statutes of E. 3. an. 1. ca. 6. Attaintes shalbe graunted, in writs of Trespas aswell vpon the damages, as vpon the p̄ncipal. And the Chaunceler hath power to graunte thys writ without speaking to the king. And that the Justices in no case of attainte shal let for to take attaintes of the damages not payde, and by the statute made an. 5. E. 3. Cap. 7. in the end, a man shall haue a writ of attainte in plee of trespass moued before the Justices without write if y damages adiudged pas. xl. s. And after by the statut of the same king. an. 28. cap. 8. A writ of attaint shalbe graunted aswel vpon a bil of trespass, as by a writ of trespass without hauing regarde to the quantitie of the dammages. And after by the statut of the same king. an. 34. ca. 7. a man may haue atteint, aswel of ple roial, as

al, as of ple personal. And that the writte of attaint be graunted to pooze men, that will swere y they haue nothinge, where of they may make fine: sauing their countenance they shal haue it without fyne, as al other shal haue it for the fine. And knowe ye that a writte of Trespas, ne attaint shal not be mainteined, if the damages passe not. xl. s. before Justic. And no thirise shal hold ple in countye, if the damages passe. xl. s. And y is ordeined by the statute of Gloc. cap. 8. whiche beginneth: *Quod tunc est ensemēt que videntur* &c. And this writte shal not be remoued in the comon bank with cause. But yf y ple be in countye, without writte, it may be remoued afore the Justices, because that the ple toucheth freeholde, or in case that the defendand do claime the pleintif to be his villeine, & suche lyke cases. And also this writ hath ben of recorde by such cause, that the grounde where the trees grewe, was the freeholde (*Contra quem clamor est*) and y proces is in this writte, attachement and distres, and for defaute of distres, thre capias. and a erigent proclaymed in fyue counties.

¶ Addition.

¶ In Trespas it was saide: if a lease bee made to a man for terme of yerres, & after the terme is expired, and the lessee holdeth hym

hym in, and the lessoure entreth not, for the occupacion after the term, this writ of Trespas wil not lye.

D. 21, C. 4

¶ It was said in trespass &c. that for the misfuser of a thing, taken for damage fe-
saut, a man shalbe charged as a trespass-
sour, from the beginning, and so it is of
a distres taken if it be measured &c. And
in this case the defendand wyl iustify for
damage fessunt, and the pleynthe shewe
howe hee hath misused that and so of hys
owne wrong that is no good replication.
But he to shewe the misfuser, & no more,
for the lawe in him selfe entendeth þ q̄r.

D. 11, B. 4.

¶ In trespass a diuersity was put when
a man is impleaded, for not dooinge of a
thig that he ought to do, & when he hath
done a thing y he ought not to doe, for in
the first case he thinketh that he shal not
be punished by an accion of Trespas *Qua-
re vi et armis*. But an accion vpon the case
lyeth, but in the other case hee shalbe pu-
nished. *Quare vi et armis, quere tamen*.

D. 12, B. 4

¶ In Trespas, *Quare filium et herede suum ab-
duxit* &c. and for that, that hee shewed not,
that the mariage to him belongeth ex-
cepcon was taken, but for all that, as it
is thought it is not allowable, for it maye
be that the auncestour of the infant held
of the pleintife, by knyghtes scruytes,
and yet hee shall not haue the maryage:
for

foz he may holde of another by priority.

In trespas against three, they pleaded not gylty, and found gylty, the one died after the enquest taken, yet the pleyntife had iudgement to recouer against the other, which were on lyue. **C. 1. B. 6.**

In a writ of Trespas, of beastes taken the defendand iustified, as baylife for seruices behinde &c. And the pleintife sayd, that he was not baylife &c. And whereof they were at issue, the pleintif shewed in euidence, how he toke them in clamping them as hartotes for himselfe. **C. 2. p.** though that the lord after agree to hys taking for seruices due to the lord, yet he may not be sayd his baylyfe. But if hee take them without commaundement for seruices due to the lord & the lord after gree to y taking he shalbe iudged as baylif, though that it was not his bailif in no place afore y taking & so the diuersite. **C. 19. E. 3**

In trespas of two Chartours taken away, the defendand pleaded not gyltye, & was found gylty, to the damages of. 40. s. And was pleded in arrest of iudgemente there y the pleintif shewed not in his declaration, how much land was comprised wⁱⁿ the Chartours, & not allowed. And diuersitie put betwixt this accio & a writ of Detinn of Chartours: for in Detinue he demaundeth the Chartours, & ther he ought

sought to shewe the certaintie of the land
for if the Chartours bee burned, he shall
recovert damages, after the value of the land
comprised &c. But in this accion he de-
maundeth not the Chartoures, but is to
punish the defendat for the taking away
and the pleintif hath iudgement to reco-
uer. And note this good diuersity.

A writ of Disceit.

A writ of dis-
ceit is such

Rex vice salutem &c. A fecerit &c. tunc post B. &c.
quod sit &c. ad rñdendum tam nobis quam p-
fat. A. quas per quoddā breue nřz per finem C. so-
lido ad opus nřm per breue predictū capiendū
nomine predicti A. hoc penitus ignorans fraudu-
lenter & malitiose in cancellat nostra impetrauit
in deceptionem cui nře ad graue dampnum ipsi
A. ut dicit. Et habeas ibi nomina pleg. et hoc bre-
ue teste &c.

And when it is Judicial
it is such.

Rex vice salutem ex parte A. nobis est ostēsum
quod B. in cur &c. falso et in deceptionē etul-
dem cui nře recuperavit sciam suam versus eum
de tribus messuagiis cum pertinenti in C. ut ius ipsi
us B. per defaultam ipsius A. cum idem A. nūquā
suum fuit scdm legem terre essendi coram Justic.
ut is apud westm &c. ad respondendum predicto
B. de placito predicto: nec predicta mess. nūquā cap-
ta fuerint in manum nřā ob aliquam defaultā ip-
sius A. nec idem A. iterato suū fuit essendi &c. a-
pud westm ad rñdendum predicto B. tam de pre-
dicto principali pñto q̄ de defaulto predicto put-
mos est in regno nřo. Et ideo tibi pñcipimus quod
distē A. & B. pñmos suū p quos B. vice nři com-
pñdict mand Justic. nřis apud w. q̄ suū predictū
A.

essendi ec. apud W. ec. ad respondēdū p̄dicto B.
de p̄dicto p̄dicto. Et etiam per R. vñ p̄ curis vi-
sum e quozundā T. H. S. J. qui mandū Iust. t̄
vñs ap̄d westm. qd̄ p̄dicta tertia p̄s capta fuit in
manū nostram e etiam W. vñ de sc̄is sum per
quē vñ mandam⁹ Iustit̄ nostris ap̄d westm. qd̄
J. sum latit essendi ec ap̄d westm. ec. ad respondē-
dum p̄dicto B. rā de p̄ncipali p̄icto, quam de p̄-
dicta defalta, e oēs terras ec. oct. Hūc ad certi-
ficandū p̄dictis Iustit̄ n̄is simul cū p̄dictis J.
T. H. S. J. de sum in captione p̄dictis e au-
diendū iudic̄ sum de plū defaltis p̄ etiam tibi,
qd̄ vñ p̄dictū G. nup vñ cōm p̄dicti e oēs
terras res, redditus ec. quod sit ec. ad p̄fatum ter-
minū ad certificandū simul ec. e ad aud̄ iudic̄tam
sum ec. Et ita ipse tunc sis ibi in p̄pria p̄sona
tua ad certificandū p̄fatis Iustit̄ nostris si-
mul ec. Et habeas ec. teste ec.

This writte of Disceit, is some tymes
Originall, and some tymes Iudiciall
But whan it is originall, than it lieth in
case wher anye disceit is made to a man
by another by which disceite, he may be
disherited, or otherwise euill entreated,
as it appeareth by the Registre thā he y
is in such maner disceiued, shall haue the
said writ. And y proces is, attachement,
and distres vntill the parte appere. And **Proces**
whan it is iudicial, than it lieth out of y
rolles of recorde. As in case where a
scire facias is sente to the Shirife that hee
warne a man to be before the Iustices at
a certayne days, and the Shirife re-
tourne the writ serued, where the sayde
H. i. man

Natura

man was not warned, by which dyscepte the party that sueth the *seire facias*, retoune reth, thā the party which ought to haue ben warned, shall haue the sayde writ against the party, which hath recovered directed to the Shyrife of the same countye. And also it lyeth in case where a *precipe quod reddat*, is brought against a man by force of which writte he shalbe somoned to be befoze þe Justices at a certaine daye, and the Shyrife hath retourned, þe he was somoned, where he was not somoned, vpon which false retourne, and dyscepte of the Shyrife, the demaundant shal recouer seison of the lande by the defaulte of the defendant, than he to whom the dysceite was made shal haue the writ directed to the Shyrife of the same countye, that he cause the partye to come, which hath recovered. And also the somoners, to answer of þe dyscepte, and fallenes, that they haue made, as well to the kinge, as to the party. And shalbe commaunded to þe Shyrife: þe he take the lande into the kynges hāde if the one, or the other hath the lād vnto the ple be discussed betwixt thē, & þe Shyrife shall answer and make accompt in this case, of al þe issues, þe cometh of þe lād in the meane time, to the Barons of the eschequer. And know ye þe if the somoners die also that they be examined, þe plein-
rife

tise in this accion shall neuer recover the
 land. But than he shall haue a writte of
 Descet vpon his case against the shirife
 and recover against hym all in damages
 And knowe ye: that whan this writte is
 sued against the shirife, the Coroner of
 the countye shall make execution of the
 writ as the shirife shall doe, if the writte
 were brought against a straunger. And
 so shalbe done in all cases, where proces
 is made against y shirife in his countye.
 And now by y new statutes of E. 3. an.
 2. Ca. ultimo, a writ of Descet shall be
 mainteined, and shall holde place aswell
 in case of garnishment which toucheth
 ple of lands there where suche garnish-
 ment is due, as in case of somons in ple
 of lande &c.

¶ Addition.

Knowe ye that if descet be made in the **22. E. 3.**
 kinges benche, Chauncery, or in the Es-
 cheker, this writ shall be brought in the
 places where those descetes were made
 and not els where. But of descet befoze
 Justices of triel baston, or of Oyer and
 terminer, after office determined, a writ
 of Descet shal be brought in the comon
 banke, & it is conuenient for hym to haue
 y record, if descet be made in anye other
 place. And knowe ye, that a writ of Dis-
 ceite lyeth againste the attourneye: yf

¶ ii.

he

he be absent by disceit.

16. 17. 6.

9. 4.

And knows, y a writte shall not abate
for defaute of forme, if he haue good sub-
staunce. And if attournepe be informcd by
his maister to pleade a false ple, y whiche
he may not pleade by conscience, he may
haue such entre) quod non fuit veraciter
informatus) ideo nullum &c. for to apde
him in a writ of disceite.

19. 3.

A writ of Disceit was graunted by the
Justices in a writ of wast where at the
graude distresse, the pleintife had a writ
to enquire of the wast, and by the inqu-
sicion the wast was found, by which the
pleintife hath iugemēt to reconer, wher
y defendāt was neuer somoned, attached
nor distreined, & the writte mainteined.

A man recovered in a precipe quod reddat,
against.iii. of certaine lande, by defaute
one died, these.ii. shall haue a writ of dis-
ceit if they were not somoned, notwith-
standing y the accion was gyuen to the
thirde in his life: for that, y it falleth in
inheritance, & it was said, that if iudge-
mēt be giue against two by defaut, wher
of the one was tenant, & the other hath
nothing, he that was tenant shall haue a
writ of Disceit, notwithstanding, that
the record proueth these two to be tenā-
tes. And also it was saide that the kinge
shall haue the issues of the lande, after y
first

first iudgement, & not h par tye which re-
couered by disceit. And also it was sayd,
that the heire shall haue a writ of disceit
of iudgement tailed against his father of
certaine lande, but he in the reuerſion
shall not haue a writ of iudgement tailed
against his tenant for terme of life &c.

¶ A writ of Rescuſſe.

Rec. vic. salutē Si. B. ec. tunc pone se. B. qd I writte of
lit ec. apud w. ec. oſten. quare cum idem d. p. Rescuſſe in
H. ſeruientē ſuum quendā equū iplius B. apud ſuche,
H. in ſeodo ſuo p. conſ. & ſeruī ſibi debitis capi
fecerſſet & idem H. equū illū ibī ſedm legem et
conſuet. regni noſtri Anglie inparcare voluiſſet
& predict. B. equū illum vi et armis reſcuſſet et
alia enozmia ec. ac graue ec. teſte ec.

This writ lieth, where any lord diſtreſ-
neth his tenaunt in his proper ſee, for
certayn rentes, or ſeruices, or cuſtomes
behinde, and h tenaunt come wyth force
and armes, and will not ſuffer the lorde,
nor his ſeruāt or him to take the diſtres,
but to them make reſcuſſe, than the lord
shal haue the ſayd writ. And also if anye
balliſſe, or miniſter of the king, or of any
other lord, to whom ſpectall auctority is
giuen to diſtreine, & reſcuſſe to them bee
made, they ſhal haue the ſaide writ. And
in h ſame maner may the ſhirife or other
bailif, which hath power to take any mā
by h kiges cōmaūdemēt, if reſcuſſe to thē

Proces

be made. And a man may haue the sayde writ in many other cases, as appeareth by þ Register moze plainly. And þ is in this writ. Attachement & distress, and for default of distress. iii. Capias and one Crigēt, as in a writ of Trespas for it is supposed that he made rescuſſe with force and armes against the peace.

Adicion.

E. 14. b. 4.

E. 44. E. 3.

Know ye that if the lord come to distress his tenant, and se the beastes: and the tenant chase them from hym, þ lord shal not haue a writ of rescuſſe, for that, that he hath no possessiō of them in dete but he may folow and take thē whether soeuer they be chased.

Imo. 3.

Fien.

Post.

If a man take beastes, damage fesaūt, and in driuing them by the hye waye to enpound them: þ beastes entre in þ house of their possessor, and he that tooke the beastes payd deliuerance, and the possessor wil not them deliuer a writte of rescuſſe lieth.

CA writte de Audiendo & terminando.

A writ de audiendo et terminando to such

Rex dilecti & fidelibus suis S. & W. salutem Sciatis quod assignauimus vos iussit nos ut ad inquirendū per factū probezū et legalium hominum de eorū S. per quos rei veritas melius sciri poterit. qui malefactores & pacis nostre perturbatores blada ꝑ. ad valeat. x. li. apud ꝑ. inueniēti et armis ceperet et asportet. Et alia ec. ad gr̄ue ec. et contra pacem ec. ad transgē illam audiendam et terminandū scdm legem et consuetudinem

suę regni nostri Anglie. Et ideo vobis manda-
mus qđ ad cert diem & locum, quos ad hoc pri-
uiter premissa expleat in forma p̄dicta facia in
be sedm qđ ad Justit̄ pertinet in hac pte saluis
nobis amerciamēt & alijs ad nos inde spectan-
tibus mandam⁹ em̄ diē nostro cōm̄ p̄dict̄, quod
ad cert diem & locū quos ec. venire facias corā
vobis tot & tales p̄bos & legales hom̄es de cōm̄
p̄dicto per quos rei veritas melius sciri poterit
& inquiri. In cuius rei testimonium has lras
nostras fieri facimus patentes. teste ec.

This writ lieth in nature of a writ of
trespas and lieth wher any affray or
trespas is made to any man against the
peace of our soueraine lord the king, the
which affray or trespas is hastilye to be
redressed and amended, or otherwise ther
shalbe great hurt of peace or dispaire of
the life of the same man, than he which
is in suche maner affraied or trespassed,
or damaged, shal haue the sayd writ, but
he shal come to the king and to his coun-
sell and shew in a bil. And if he se that it
be to do, he shal graunt to the partye the
said writ directed to the shirife of y same
county, that he cause to come before the
Justices assigned to here and determine
thys affray, or trespas, tot & tal probos
ec. these which shall, trye such affraies
and trespasses. And also the Justycs
assigned to here and determine these af-
fraies or trespasses, shal haue a commys-

tion opē, in which shalbe cōteined what they haue to do, and what shall be their power. And know ye that þe writ which shall go to the shirifes is such.

Rex vobis Salutē & Significam⁹ dilectos ec. &c. & vobis tibi scire facit qd. venire facias corā eis tot & tales ec. de com. in o. p. quos ec. omnes illi qd. ec. & quorūdem &c. & vobis tibi scire facere, si p. dictus J. scē & tunc pone ec. quod fuit ec. Et ha. beas ec. teste ec.

Nota.

And note that these writtes, shall not be graūted, but by the king & none hath power to here & determine such affraites but the kinges Justices, and sergeantes whēch be swozne to the kinge, and that is giuen in the statute of Westminster. 3. Capitulo tricesimo nono, whiche be. ginneþ breue de transgressionē. &c.

A writ of Erroze corrigendo.

A writte of Erroze cori. g. ndo is such

Rex Maiori et vobis Lond salutē. Quia in re. cordo & p. cessu ac etiam in reddicione iudicij loquel que fuit in curia nostra ciuitatis p. dictę coram vobis p. refat vobis sine vbi nostro inter J. & B. de quadam transg. eib J. per p. refat B. stat. vobis erroz interuenit manifestus sicut ex querela eiusdē B. accepimus. Nos errozē si quis fuerit, modo debito corrigi. & partibus p. dictis plenam & celetem iusticiam fieri volentes, in hac parte vobis p. ceptimus, quod recordū & p. oc. Nam lo. quele p. dictę coram vobis in pleno hustingis n. f. is ciuitat. p. dictę venire eaqz in p. sentia p. r. f. i. p. dictarū p. hoc sup. hoc si int. r. se voluerit p. muniendū recitari, & diligēter examinari & erro. rem (si quis interuenit) in hac parte debito modo

modo corrigi, & partibus predictis plenā & celere iusticiā inde fieri faciat prout de iure & secundum consuetudinē ciuitatis predictę fuerit faciendū &c. Vel sic, vos prefatis dictę predictę executiō & securitatē coram vobis inuentiendā vel faciendā ad respondendum eidem de supersediatis &c.

Thes wrytte lyeth in case where false iugement is geuen in þe comon bank befoze iustices assigned for to take assises, or befoze the Maire and Shyrfes of London, or in any other towne franche sed, thā he againste whom the iugement is gyuen shall haue this writ directed to þe iustices or others ministers befoze towhō the iudgement was gyuen. And if false iugement be giuen in London, thā shall be made as befoze sayde in the wrytte of false iugement, that they make þe recozde and proccesse of iugement, to cōe befoze þe Iustices of the kinges benche. And also þe they cause to warne the party, whiche recouered, to be afoze þe same iuges of the kinges benche to pursue forth in his ple, as the kinges court shall awarde. And knowe ye that whan the recozd and proccesse are comen befoze the iustices afoze sayd, they shall correct and amende the iugement if that right may be made to þe parties. And knowe ye: that a writ may not be maintained, but if the iugement be of recozd, for if the iudgement be gyuen in court Baron, county, or in hundredeth

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Deth, which is not of recoꝝde, than the
 party shal haue a writ of *Faur iugemet*
 And not a writ of *Errour*. And if any be
 impleded befoze Justices, and the pactice
 take exception befoze his aduersary which
 exception the Justices will not allowe,
 thā the party ought to do as is ordeyned
 by the statute of west. 2. Ca. 13. which be-
 ginneth. *Cum quis implacitatus &c.* y
 is to say, that the party shal wyte hys
 exception, & pray one of y^e iustices to put
 his seale to the byl, and whan his bill is
 sealed he shal go to the Chauncery of our
 soueraigne lord the king, and put vp the
 byl to the counsell. And than y^e king shal
 make y^e hole recoꝝde to come afoze hym.
 And if the saide exception be not founde
 in the recoꝝd, than shalbe commaunded
 to the said iustice, that he be afoze y^e kinge
 at a certayne day, at which day, if he coe
 and may not deny his seale, than shal be
 commaunded to him that he goe foꝝth to
 the iugement, according to the sayde ex-
 ception. And knowe ye, that the register
 giueth a writ of *Errour*, of *Faur iuge-*
ment giuen befoze the shirife & his cor-
 ners in county, oꝝ in a writte of *Post dis-*
seison, and shalbe redressed in the kings
 benche. And in y^e same maner may be in
 a writ of *Reddisseison*, & the cause maye
 be, soꝝ that, that these writtes of *Reddis-*
seison

sepsin. And Woff disseisin, are of recorde,
for they shalbe inrolled in the Chauncerye
and þ transcript of them shalbe put in þ
Escheker in the ende of þ yere. As it ap-
pereth by the statute of Westm. 2. ca. 8.
in the ende which beginneth. Cū par pla-
citum motum. And know ye that a wryt
of false iudgement shalbe retourned be-
fore þ Justices of þ comon banke. But a
wryt of errour shalbe retourned before
the Justices of the kinges benche. And
know ye that if errour be made in the es-
cheker, it shalbe redressed by the Cham-
celer and tresorer: as it appereth by the
statute of E. 3. an. 31. cap. 12.

¶ Addicion.

Affise brought againste the gardein of
a chapell of the kinges graunt. And the **E. 3. C. 3**
pleint was of land & rent, and hanging
the affise, the gardeyne resigned to the
kinge, and he gaue that to one J. S. and
thaffise passed for the pleintife, and J. S.
was put out & brought a wryt of Errour
as successeure, assigned for errour þ hys
predecessour was not named gardeyne,
and þ the kinge was scised hanginge the
affise, & it was awarded: that the wrytte
lieth for him, and the iugement reuerfed
The same law is of a Prebendarier, But
he that purchaseth hanging the wryt a-
gainst his feoffour, he shall not haue a
writte

Pa. 4. D. 6.

Writ of Errour for that, if he cometh to by his own dede, & not by course of law. If a Quare Impedit, or Trespass, be brought against many, and one confesse that action, or pleade so that he is attainted, he shall not haue a writ of Errour, vnto the matter be determined agaynst these other for the record may not be remoued before that all the matter be determined, & after that, he if confesse the accyon maye haue a writte of Errour.

Pa. 7. D. 6.

If a writ of dette be brought against two by one ioint precepe, and the proces is by seuerall Preceptes, that is Errour.

Pa. 7. D. 6.

If the tenant in especial taile hath issue a daughter, and lose by erroneous proces and after hath issue a sonne by another woman, the daughter shall haue a writ of Errour, and not the sonne. For that, that she is heire to the speciall taile, and the sonne is beynde at the comon law.

Pa. 7. D. 6.

If erroneous iugement be giuen in the Kinges benche, the same terme it may be redressed by writ of Errour in the same banke and the rolle shall be amended: for that, that at times the same terme the record is in the Iustices, and the rolle is but their remembraunce.

Pa. 7. D. 6.

If a recovery be taylor against the tenant in taile, for terme of lyfe he in the reuercion shall haue a writte of Errour

rouer, and reuerse that by þe comon lawe
so that þe statute is not but in affirmance
of the comon law. The statute is An. 9.
Richardi secundi. capl. 3.

And know ye that there is a diuersitee Pa. 7. b. 4
betwixt a writ of error and a writte of
faur iugement: for that, that saur iuge-
ment is not of recozde, vnto such time þe
it be hard. And if the writ by which it is
remoued be abated, it is come with oute
warrant. Than it shall continue befoze
the suitours, for it is as no writ. But o-
therwise is in a writ of Error, for that
was a recozd befoze. And a recozde may
bee brought in the kynges benche by a
fudge of the comon place without a writ
But these suitours may not withoute
writte.

And a writ of Error lyeth all tymes 29. 18. c. 3.
against him, that is a party or preuy, not
withstanding that he be not tenant: for
that, that the error ought to be tried by
the recozd. But in false iugement þe writ
shalbe altymes against the tenant of the
lande notwithstanding that he be a strā-
ger to the iugement: for that, that these
errors shalbe tryed by auerment, & not
by the recozd: for that, that it is not a re-
cozde, which auerment none shal haue,
but the tenant of the lande.

A writte de Conspiratione.

Ref

et wryt de cō-
spiracione in
suche.

Rex vñ salutē. Si B. fecerit et. tunc pone et.
A. C. osten. quare in conspiracione in se et.
apud R. phabua ipsū B. de quibusdā latrociniis
et aliis transgressionibus p ipsū contra pacē no-
strā apud W. in com S. indictarent ipsū B. occasi-
one pdicta apud S. capt et in psona nostra de-
tent quousque in curia nostra corā dilectis et fi-
delibus R. et W. Justit nollis ad gaolā nostrā
apud S. deliberandum, assigni in de icōm legem
et consuet regni nostri Anglie acquietatus fuisse
falle et maliciose procurauerūt ad graue dāp-
num ipsius B. et contra formam pvisionis in
hmoī casu pmissē. Et habcas et. tunc et.

This writte lieth in case where manye
men are confedered together by othe,
covenant, or by other communicac. on that
every one shall helpe other, soz to distroy
indite, kill, or cause to appell anye man,
than be (that is in suche maner appeled
or indited) by suche conspiratours and
be acquite by the country, he maye haue
the saide writte againste the sayde con-
spiratours, as it appereth by the statute
De conspiratozibus made in the tyme of
Wyngē Ed. sonne of Kinge H An. 34.
And that the Justices assygned, to here
and determine ple of Trespas or of Fel-
lony hath power to enquire of such con-
spiratours. And the Procces is Attache-
ment and Distres untill they come.
And that a writ of conspiracy lyeth not
agaynst these endytours. As it appe-
reth by the statute of Westmīster.

Cap.

Procces

Cap. 12. which beginneth. Quia multi p
malicia &c. Will y a man shall not haue a
writ of conspiracy of no appeale which
shal be determined befoze iustices, which
are of recorde, for it shal be enquired of
thabetours befoze themselfe. And if any
be founde abettour, he shal haue a writ
Judiciall againste these abettours the
which is given in place of a conspiracie.
And also a man may haue a writ of Co-
spiracy wher he is indited within a citie
Borough or other towne of any acte or
deede made within the place where they
haue coroners within their fraunchise,
whan he shal be acquitted afoze y Maire
and the bayliffes of the towne, and that
shal be sufficient to recorde the delpuctace,
if he be another tyme peached of y same
felonye in the Kinges courte. And that
euery suche inditement of the acte made
within the towne, the Maire and the bai-
liffes may deliuer hym from the gaole.
And also where felonye is meynprised
within the same citie or borough, but if
a felon be endited out of the fraunchise,
and after is taken within the fraunchise,
the Maire and the bayliffes maye not
haue y conuassance without lycence of the
Kinges Iustices which are assygned by
writ to deliuer y gaole of the same coun-
tye, but to them selfe they may not &c.

And

And the iustices assigned to here and be-
termine ple of trespass, & of felonpe hath
power to enquire of such conspiratours
and the p^{ro}ces is bt sup^{ra}.

¶ Addition.

29. 10. 17. 6.

If a man cōspire to endite another and
after the conspiratour is swozne in the
quest to p^{re}sent for the king, and he doth
insourme his felowes, that the said J. S.
hath made suche a felony, and afoze that
the verdit be giuen, he is put out of the
panell, a writ of cōspiracy lieth againste
hym, but if he had bene discharged after
verdit, he had bene discharged of the con-
spiracie, for that, that the lawe intendeth
that all that was made afoze was law-
fully made, for that, that it is executed by
his other.

**29. 12. C. 3.
L. 1. 1.**

A. and B. by false conspiracie betwixt
them made, p^{ro}cured certaine people to
indite C. of the death of one D. by force
of which he was indited and arrayned
of the death of D. and he knowledged &
iustified, by force of which he went quit
by iugemēt, in this case C. shal not haue
a writ of Conspiracie, for that that D.
knowledged the felony & of that was ac-
quited by force of the law as of a thyng
which was not felonye by the lawe, and
it was not to A. & B. to knowledge whe-
ther it was felony or no.

If one procure ouers people to endite me, and after he that procured hath a commission, and alsoe hym I am endyted: I shall haue a wytt of Conspiracy against hym, & his commission shal not excuse hym of the wydg made befoze, and so it is if a mā be sworne for to ensourme thenquest this other shall not excuse hym

¶ A wytt de Compoto.

Rex viē salutē, Recipe B. q. iuste sc. reddat B. wytt de cō-
W. rationabile compotū suū de tempore quo poto is such.
fuit balliuis suus in C. & receptor denariorū ip-
sius B. ut dicit. Et nisi fecerit & predictus B. fe-
cerit re seruet sc. tunc sumat sc. predictū B. quod
sit sc. ostensurus quare non fecerit sc. Et habe
as sc. teste sc.

Thes wytte of accoumpt lyeth in case where any baylife, Chamberlayne, or receiuer, which ought to yelde hys accoumpte, wil not accoumpte yelde, than he to whome y coumpt ought to be giue shal haue the sayd wytte. And the proces is Somons & dyspresse, and for default of dyspresse. 3. Capias, & an Exigent which shalbe proclaimed in fyue counties. And know ye that by y statute of Westm. 2. Cap. 11. which beginneth, De seruientibus balliuis, that the baylife rendze accoumpt, and if he be found in arrearages, these Auditors which are to hym assigne hath power to commit hym or delyuer hym to y next gaole, & there to abyde

¶ i. vnder

Under good keeping until he make free,
 but if he be sued, and in g^o sute outlawed
 in hearby he is taken and put in p^op^o in
 the gaole, thā he is repleuifable. And let
 the thyrife, Baylife, or Cardeyn of the
 gaole, take good heed y^e he be not late to
 maynp^oise without wytte especially to
 him directed vpon y^e said matter, or with
 out the kynge's lycence, y^e if he do, he shal
 yelde to the lo^ode his damages, and that
 will the statute afo^oe sayd, and know y^e
 that executors of executors shal haue
 an accion of det, of account of goodes ta
 ken of the sp^o testatour in the same ma
 nner as he should haue if he were in full
 lyfe. And knowe y^e that the same execu
 tors shal answer of so much as they
 haue recovered of the goodes of the sp^o testatour,
 as the first executors if they
 were one lyue. And that will the statut
 of Ed. 3. An. 15. De p^ouisionibus victua
 lium. Capl. 5. And knowe y^e that y^e sta
 tute of W^oest. 2. Ca. 23. executors shal
 haue a writ of account, and the same ac
 cion & proces as the testatour shold haue
 had if he were on lyue. And also by the
 statut of Edward the thyrde. Anno. 4.
 Capl. 8. executors shal haue an accion
 of Trespas made to they^o testatoure, of
 goodes and cattels of the testatour taken
 awaye in the lyfe of the testatour, so^o to
 reco^o

reouer damages against the trespassour
in the same maner, as theyse to whome
they are executors shoulde haue if they
wert on lyue. And also by the statute of
Hert. Ca. 17. whiche begynneth. *Provi-*
sum est etiam &c. if the Gardeyn in so-
cage make waste, the heyre when he cum-
meth to his full age shall haue a wyrt of
accountt against the Gardeyne, in thys
maner. *Si. A fecerit &c. tunc sum &c. B.*
quod sit &c. osten. quare cu de comuni
colitio regni nostri Anglie prouisum sit
q custod terrarum tenementoru que te-
nent in socagio hered terraru tenement
cu ad plena etate perueniunt reddat ratio-
nabile compotum suu de exitibus terraru
& tenementoru puenient de tempore quo
custodiam illam habuerunt ratione mi-
noris etatis hered predictoru idē B. pre-
fat A. rationale copotū suū de exitibus
provenient de fris & tenement ipsius A.
in B. que tenentur in socagio, & quorum
custod idem B. habuit dum p̄fat A. in-
fra etate fuit teddere contradic. ut dic. &c.
teste &c. And knowe ye that if the plee be
in county by a wirt of accountt, y party
pleyntiffe may remoue the plee into y co-
mū banke by y pone, as in a repleuin. And
also it may be remoued at the suit of y de-
fendant, but not without good cause, &
yt is to know, y in the Eschecker at the

suit of the Citizens of London, it was awarded that there where a man impleaded another by writ of Account, or by plaint after the usage, and Auditours be assigned by the court, the party shall not have a writ of *Ex parte talis*, but ther where the lord assigneth Auditours, then the party shall have a writ of *Ex parte talis*.

Addicion.

29.9. 17.6. The writ was brought against a woman, & it was challenged for that, y^e ther is no such court in the Chauncery, and notwithstanding it was awarded good.

17.4.4. C.3. The writ was tempo^re quo suit ballivus in C. & the writ was challenged for y^e that ther is CC. and one without addicion, and the writ awarded good.

17.31. C.3. The writ was tempo^re quo suit ballivus sui predecessoris, & was chalged for that, y^e at the comon law he had no actio & the statute helpes him not, but y^e defendant durst not demurre in law.

29.12. C.3. In a writ of Account agaynst a gardene in forage it was not shewed by the writte, ne by the declaracion y^e he is next frend, for the which writ was challenged and not allowed.

29.1. 17.6. In account of .x. li. by the handes of A. B. the defendant said y^e he made a dede to the plaintiff, & to the same A. B. which testifieth the receit, iudgement wythout

out the wing the dede, this is a good plee
in discharge of accoumpt, & not in barre. *An. 22. b. 7.*

In account of the receite of C. li. the *Quere.*
defendant sayde that accord was take be
twixt the playntife and the defendant by
theyr frendes that the defendant in full
satisfaccion, shall make to the playntife
an obligation of h̄ sayd C. li. for al dettes
detenues, and encreacements, that the
saide pleyntife may encrease by reason
of the receipte &c. And that was holden a
good barre.

It is a good plee for the defendaunt to *b. 4. c. 3.*
say that he hath accounted afoze h̄ pleynti-
fise selfe at such a place.

In account against one as receiuour, *b. 5. b. 5.*
the defendant sayd that the playntife de-
liuered h̄ money to hym, & that he shold
go to a Lumberd for to make erchaunge
& to receiue letters of exchange by force
of which he receiued the letters, & these
deliuered to the playntife wythout that
he was his receiuour in anye other ma-
ner, this was holden a good barre.

These plees folowing, be in
discharge of accoumpt.

In accoumpt the defendant sayd, that *29. 9. c. 4.*
after the receit at p. the money was rob-
bed fro hym by certayne felons, and that
is a good plee in discharge of accoumpt.

In account the defendaunt shall say, y *b. 1. b. 4.*
3. iii. after

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after the receyt that the playntiffe graun-
ted to hym, that he may receiue the sayd
money in þ name of paymēt of another
summe, which he ought to the defendāt.

D. 4. C. 3.

In a writ of Account, it was suppo-
sed that the defendāt hath receyued **CC.**
li. the defendāt said as to **C. li.** you your
selfe receiued the said **C. li.** by a dede that
here is which testifyeth the same receite,
and that was holden no barre, but afoze
auditours the plee shalbe allowen.

D. 11. D. 6.

If auditours be assigned, & þ parties
be at issue afoze them, the Auditours shal
bryng the recozd to the Justices of þ com-
mon place, and recozd all that, that was
made afoze them.

D. 12. C. 3.

If a man account afoze the playntiff
self he may not alward hym to prison, soz
he may not be his owne iudge, by which
he shalbe alwarded to account of new.

D. 17. D. 6.

If a man be found in arrerages upon
his accōpt, and the auditours suffer hym
to go at large, at another time after they
may not alward hym to prison.

C. 11. D. 4.

D. 14. C. 3.

If two executors bee, and the one re-
ceyue money due to the testatour his co-
executour shall not haue an accion of ac-
count against hym soz that money. The
same law is of two marchautes which
hath goodes in common.

D. 45. C. 3.

But if two haue a warde in common &
the

the one take al the pzoftes, & other shall
haue a wyttis of accompte, and recouer
the halfe.

¶ Knowe ye þat a wyttis of accopt lieth not a 9. 9. 6.
gainst an infar, for he hath no discretio.

¶ A wyttis de Ex parte talis.

Rex vis Theobaldus baron suis de scarario salutem **¶** Wyttis de ex
Ex parte W. capf e dereti in gaola nostra de parte talis is
A. pro se composi sui, quibus J. de C. ipsu al- such.

seru sibi tenet de tempore quo fuit balliuus su-
tu & nobis est ostens quod cum auditores com-
poti pzebicti ipsu W. super eodem compoto in-
iuste grauaret offand ipsum de receptis, que no
receptis expens aut liberationes rationabiles, et
quapzefato W. iniurari nolumus, in hac parte
vobis mandamus quatenus manu suffic pzoato
W. capiat in forma pzebicta, et ipsu a pzoona p-
bicta deliberari fac pzoat iure & secundum for-
ma statuti fuit faciend mand tamen custodi pzo-
fati pzoictis, quod ad certum diem & locum quos ei
scire fac. venire faciat pzebictum W. cu rotul et
tal, per quos compotum suum pzoicto A. reddidit
ad faciend inde & recipiend in pzoictis, q de iure
& secundu forma statuti pzoicti iusticia sua debet.
Et q pzoictum W. a gaola pzebicta pzoat Scire
interim deliberari fac: teste ec.

¶ A wyttis of Det.

Rex vis salutem **¶** Recipe J. q ec. reddat B. r. **¶** Wyttis of det
libras quas ei debet & iniuste detinet ut dicit. is such.

¶ Et nisi fecerit te secus de ec. tunc sum ec. pzoictu
A. q sit ec. ostens quare no fecerit te. habeas thi
sum & hoc breue teste ec.

This wyttis lyeth in case where any
summe of mony is due to a man by
reason of any lone, or of any other

J. lili.

cons

Proces.

contract to be payde at a certayne day or
 if any be bound to any other to pay a cer-
 tein summe of money, at a certayn day,
 at which day he payeth not, nor wil not
 pay, than he to whom h̄ det is due, shall
 haue the said writ. And h̄ proces in this
 writ is Homons, Attachemēt, & distress
 and for default of distress. 3. Capias & an
 Exigēt proclaimed in five counties. And
 know ye h̄ if a writ of Dette, Trespas
 or Accompte be broughte agaynst an
 Archbyschop, Carle, or Baron, that are
 lordes of the parliamēt, no proces of vt-
 lawy lyeth agaynst them, but al tymes
 distresse. And the cause is for h̄, that it is
 supposed h̄ they haue sufficient, wherof
 they may be distreined. And know ye, h̄
 a writ of Dette may be pleaded in coun-
 ty, if h̄ Det amōut not to. xl. s. As it ap-
 pereth by h̄ statut of Glouc. Ca. 8. which
 beginneth. Puruen est ensement que vic-
 ples &c And if h̄ det be of. xl. s. or more,
 than it shalbe pleaded in h̄ cōmon bank
 afoze the iustices by writ. And know ye
 that if a contracte or couenant be made
 to executors of a det by reason of goods
 solde, which were to h̄ testatour to pay
 at a certayne day, which day is past, and
 he bring a writ of Dette, the writ shall
 say Quos ei iniuste detinet. vt dic. & not
 debet, & the cause is for that, that h̄ de-
 bet

bet: supposeth p^{ro}perty to the executo^{rs}
and the executours maie not haue p^{ro}p^{er}-
tie of thinges which wer.

¶ Addicion.

¶ Knowe ye, that sometymes a man shall **E. 3. B. 2**
be charged of a cōtract made by his wife
bailife, seruant, o^r other such persons, as
if my bailife bye shepe o^r other such thig
to my vse. I shal answer fo^r that det, & p^{ro}-
pleyntife shall not shew in his declarati-
on that the bailife hath warraunt to bye
fo^r me, but fo^r that, that they come to my
vse, I shalbe charged.

¶ But after Newton, if my seruant o^r **H. 10. B. 6.**
wyfe bye certayne thinges, though they
come to my vse after ward. I shall not be
charged, but if he bye to my vse, & ioyne
the bying to my vse at the tyme of p^{ro}-
tracte made, than I shall be charged if it
come to my vse. Quere of this diuersity.

¶ But if a wyfe bye in opē market, the **Quere. C. 14**
husband shall not be charged fo^r that, if **H. 7,**
it come not to the vse of the husband, fo^r
it may be that it shalbe charge to h^{is} hus-
band, and the husband shall not be char-
ged of a contract made by h^{is} wyfe in suche
maner, but if I cōmaund my wyfe to bye
thinges necessary &c. I shalbe bound by
that cōmaundement, but if my wyfe bye
thinges to kepe my houlsholde, as bread:
and I haue no knowledge of h^{er}, though
it be

it be spēt in my house, I shal not be charged for them. By Finer chiefe iustice.

D. 14. C. 3.

In dette the plaintiffe declareth vpon a contract, that is to saye. if the playntif take the daughter of the defendat to his wyfe, that h defendant shall geue to him xx. li. and the playntife said that he tooke to wyfe the daughter of the defendat &c. Finch. he demandeth his det because of a contract which toucheth matrimonye, iudgement if the court wil hold plee, and not allowe &c.

D. 48. C. 3.

Det agaynst two by one *precipe* vpon an obligaciō, by which these two wer bound ioynctly, and every one severally in the whole, and the one come by the *Capias*, & the other made default, & the playntif declared agaynst him y came. And Finch. Justice sayd that the playntife vpon this obligacion, might haue demanded this dette agaynst them ioynctly or severally at his electiō, and by the maner that he hath now taken his writte, the one shal not answer without y other, for whiche cause he that cometh shall haue *30ē dies* by maynpzise.

D. 33. C. 3.

In a writ of Det, the playntife declared that the defendaunt boughte of hym certaine beastes and other thinges to the value &c. And the defendant said that the playntife had nought in h thinges sold, but

but as executour to one J. the which J. made the plaintife and one W. as executours, & which W. is not named in this writ, iudgement of the writ, & so that, & the plaintife hath declared of a contract made betwixt the, so that & defendant is become debtour to the plaintife the writ was awarded good.

Know ye that it is sayd in a writte of **W. 49. C. 4.** **Writ &c.** that if a woman beyng bound in an obligacion take a husbände, the husband shalbe charged of the dette during the lyfe of this wyle, and after her death he shalbe dischargd except the iudgemēt be geuē against him in y^e lyfe of his wife.

Note ye that it is said if a mā be boude to a woman sole, and the wife take a husband, & the day compysed within the obligacion passeth during the mariage, yf the husbände dye without releasyng or acquiting the obligor, the wife shal haue an action of Det vpon that obligaciō after the death of the husband. **Quere** if & executours obtayn the obligatiō, if they shall haue the sayd obligacion. **Quere.**

A writ de Cattallis reddendis.

Re dic. salutem **Prece** J. quod. &c. reddat **B.** catalla ad valent. x. li & et. in iuste deris de dictis & nisi fecerit, & predictus B. fecerit te secus de clam suo ppo. tunc sum &c.

I writ de catallis reden
dis is such.

This

Proces

This writ lieth, wher any goodes are
 deliuered to any man to kepe 'vnto a
 certayne daye, at which day he cummeth
 and demaundeth hys goodes, and the o-
 ther withholdeth them, thā he shal haue
 thys writte. And the Proces is as in a
 writ of accounte. And that is geuen by y
 new statutes of C. 3. An. 25. de prouiso.
 victualium. Ca. 17. that is to say, somōs
 attachement, & distress, proces of vtla toze
 and these Proces is geuen in detinue of
 goodes, as in a writte of Accout bt patet
 sup^{ra}. And it is to knowe y in a writ of
 Detinue there shalbe sayd, *que ei debet*.
 Be in a writ of Dette, if executors aske
 of executors goodes o2 dettes, the writte
 shalbe al times *Que iniuste detinet*. And afoze
 the Justices of the banke, *Quos ei debet* & *iniuste detinet*, excepte it be of goodes, than the
 writ shalbe, *Que iniuste ei detinet tantum*. And
 if the dette be demaunded afoze the Jus-
 tices in Eyre, the writte shalbe *Quos ei*
debet tantū. And if it be of goodes, *Que*
iniuste detinet tantum. And if the plee
 be of det o2 detinue amouūting to y sume
 of .xl. s. o2 aboue, and is pleaded in coūty
 o2 court Baron without writ, the party
 shall not haue a writ of false iudgemēt,
 ne a writ of *Executione iudicij*, except to the
 courtes of Cities o2 in other places that
 bath iurisdicō by custome. And also if y
 plee

plee of dette be moued in county, that a-
 mounteth to the summe of .xl. s. or more,
 the party defendant may haue a *Superfedas*
 directed to the Shirife that he cease in h
 plee. And note ye: that a man may haue a
 writ of Pone, Recordare in these writtes as
 in a writ of accompt. And also a mā may
 haue a *Superfedas* directed to the baylyfes
 of any courte, if they holde plee of Dette
 or of goodes that amounteth to .xl. s. or
 aboue. And also in many other cases tou
 chynge Dette or goodes, as it appeareth
 by the Regyster. And note ye, that cer-
 tayne Proses is geuen againste execu-
 tours: & delays put out in such plees by
 the statute of E. 3. An. 2. Ca. 3. If a man
 die intestat, & the ordinary make deputis
 the most next frend of the dead for to mi-
 nister his goods, these deputies shal haue
 an accion to demaunde dettes due to the
 ded person, as executors shal, & answer
 in the kynges court to other, to whom h
 sayd ded person was bound in obligacio
 in like maner as executors shal answer
 & are accountable to the ordinaries as ex-
 cutours are. And. 31. E. 3. Ca. 11. And
 also by westm. 2. ca. 16. which beginneth.
 Cum post mortē &c. the ordinary shal an-
 swere of the dette in which the dead was
 bounden as farre as the goodes suffyleth
 in lyke maner as executors shoulde of h
 dead

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dead had made hys executors. And in case y the ordinary make his executors and dye afore that these dettes which the dead ought be paid, thā these to whom the said det was due, shall haue a writte of Detinue against the executors of y ordinary. An. ii. C. 3. and in an. 15. C. 3. one Roberte Wykeryng broughte such against y executors of thordinary. Note of what by alimantes and possessions of goodes, a man shalbe charged.

Nota.

Addicion.

29. 2. 6.

CIf I make a writtinge sealed, and that deliuered to J. S. vpon certayn condicions to be perfourmed, & than to deliuer to R. B. & R. B. obteyn the dede, y condicions not perfourmed, I shall haue a writ of Detinue against J. S.

29. 2. 7.

CIf my father deliuered to R. a dede of feoffement to deliuer to hym and to hys heyres, & one J. obteyn y dede, I shal not haue accion against J. if J. haue not the land, so: if a strainger haue the land, the dede belongeth not to me, so: it belongeth to the executors.

26. 2. 4.

CBut if I be enfeofed by dede wyth a warrant, and after I enfeoffe another in fee, & bynde me and myne heyre to warrant & dye, if any haue y dede by which I am enfeofed, my heyre shall haue a writte of Detinue, and so if my father be
disei.

disseised and dye, I shall haue a wytte of
Detinue though y I haue not the lande.
And of Chartours taken out of my pos-
session, my executours shall not haue ac-
cion of Detinue.

CA dede of any other thing deliuered to **C.1.D.4**
a monke vpon condicion to redeliuer, a
ma shal not haue an accion against y ab-
bot & his monke, for y monke maye not
charge the abbot agaynst hys will, but
of a deliuey made to a monke to deliuer
ouer to the abbot vpon a condicion &c. yf
the abbot persourme that, than he shall
haue the thing for ever, now the abbote
shalbe charged alone, withoute namyng
the monke with hym.

The same law is of a deliueri made to **D.38.C.3.**
the husband and to the wife, the wytte
shalbe brought against y husband alone
otherwyle the wytt shal abate.

But yf a woman come to a thyng as **C.39.C.1.**
executrix, whiche woman taketh a hous-
band, now the accion may be brought a-
gainst the husband and the wyle toyntly.

And if y wife haue coexecutour with **L.41.C.3.**
her, it is no plee for her and her husband
to say y her first husband made his execu-
tours, we the said husband and wife, and
one I. which is in full lyfe not named &c.
for the possession chargeth hym.

Note ye, that a man shal haue a wytt **D.43.C.3.**
of

of Detinue; against the husband and his
wyfe of a deliuerie made to y^e wyfe whā
the was sole afore the mariage.

Pa. 9. H. 6. **I**n Detinue of Chartours, the tenant
may pleade a deliuerie in another county,
and the reason is, for that, that he maye
not wage his lawe.

Pa. 8. E. 4. **A** man may not wage his lawe in De-
tinue of Chartours.

P. 6. E. 4. **B**ut in Detinue of twenty quarters of
wheate, he may wage his lawe.

P. 3. E. Pa. 7. H. 6. **A**nd if two wyttes be brought by dy-
uers pleyntifes against the defendand of
any thing, he may pray that they may in-
terpleade: as if two bryng seuerall writ-
tes of Detinue agaynst one of one obli-
gacion, & euery one declare a seuerall de-
liuery made by thē, in this case they shal
interpleade not withstanding the decla-
ring of seuerall deliueries, for that, y^e it is
not trauersable, but cōueiance to y^e accyd.

An. 14. H. 6. **I**f two writts be brought against one
man of one thing, and the one playntife
declare of one deliucry in the countie of
S. and the other declare of a delpuere in
the countie of D. In thys case they shal
not interpleade, for it may not be inden-
ted one deliuerie of one thyng, and y^e de-
fendant shal answer to both y^e playntifes.

E. 3. E. 3.

But if the defendand cōfesse the acctō
of one of these playntifes, the other shal
haue

haue his remedy by his accion, and they
shal not interplede,

¶ And if the partes be awarded to en-
terplede, he that hath the writte of elder
date ought to declare first. D. 3. H. 6

¶ Note that when the defendaunt in a
writ of Detinue praieth garnishment
he is out of the court maintenaunt for to
plede any ple. but hath day in court to de-
liuer that, that the pleintif demaundeth
to him to whome the court awarded. D. 12. H. 4.

¶ If A and another deliuer a thinge to
kepe and to deliuer to vs, or to the one
of vs, in an accion brought by one of vs,
it was sayde that y deliuerie was in ma-
ner boide, for it is in no certaine to whome
it shalbe deliuered, but admitte that the
accion was brought by the one of vs. H. 12. H. 4.

¶ Quer. If the garnish shal haue the plee
in abatement of the writ for to shewe the
matter in so muche that the defendaunte
hath admitted the writte good. And the
opinion was that the writte brought by
the one shal abate. Quer.

¶ A writ de Catallis nomine
districcionis.

¶ This writte de Catallis nomine dis-
trictionis captis reddendū may not be
maintained in no place but within a bo-
roughe, or within a house for rente go-
ynge out of the same house where a man

A writte De
catallis nomi-
ne districto-
nis is such.

R. i.

may

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may take the dozes, windowes or gates.

A writ de Cartis reddendis.

A writte De
Cartis reddē-
dis is such

Rex viē salutem. Precipe A. q. ec, reddat B. quandam cistam cum cartis scriptis et aliis munimētis ac diversis cartis et bonis in eadem cista contentis sub secura ipsius B. clausā quā ec.

Rex viē salutē. Precipimus tibi q. A. iusticiem R. q. iuste ec. reddat B. quandā cartam vel duas cartas, vel tres, vel quoddā scriptum oblig. vel quoddā scriptū conventionale, quā vel quas ei iuste debet, ut dīc sicut rationabiliter monstrare poterit, quod ei reddere debeat. Ne āplus in dēclām ac dē pzo defectu iusticie teste ec.

This writ lyeth in case wher any writ-
tings or Chartours of freoffement are
delivered to any man to kepe, and he to
whom the writings were delivered, wil
not them redeliuer, when the other these
demaundeth, shall haue this writte. And
know ye that it is conuenient for hym to
shewe the certeinie of this Chartours
demaunded, or otherwise this writte shal
not be maintained. And the proces is so-
mons, attachement, and distress vnto the
parly come. And no proces of vtlawye
lyeth in this writte, for that, that it tou-
cheth freholde. And in plee that toucheth
freholde, no proces of vtlawye is giuen,
but by the new statutes of Ed. the thirde.
Cap. 23. Proces of vtlawye is geuen in
a writ of Dette: Detinue of goods, as in
a writ of accompt.

A writ of Audita querela.

Rex

Rex Justit̃ suis de banco salutem. Ex grati q̃
 Relat̃ J. accipimus q̃ cum idem J. nuper corā J. writ de D̃
 J. de W. tunc maiore viri et U. de S. tunc cle- dita querela
 rico et recognouisset se debet̃ B. C. li. ad certos s̃s suche.
 terminos in dicta recognitione content̃ soluen-
 dum ac idem J. postmodum per quandam inden-
 turam inter ipsos B. et J. concessit, q̃ si p̃dictus
 J. soluerit p̃dicto B. singulis annis ad. iiii. anni
 terminos per equales portiones quendam redd̃
 x. s. exeunt de terris et tenemētis p̃dicti J. aus
 R. fratris eiusdem J. in villa de R. et in subur-
 bio de R. ad totam vitam ipsius J. q̃ tñc p̃dicta
 recognitio C. li. penit̃ cassetur, et pro nullo ha-
 beretur pat̃ per alteram partē indenture p̃dictę
 per dictū J. sigillat̃ quam idem J. penes se habet
 vt assertit. plenius poterit apparere. Et licet p̃dic-
 tus J. dictū redditum. xl. s. p̃fess̃ J. singulis an-
 nis ad terminos p̃dictos equis porcionibus a
 tempore recognitionis p̃dictę confect̃ vsque ad
 festum Pasche An. li. bñ et fidelit̃ soluerit et cum-
 dē redditum eidem J. semper actenus a festo p̃-
 dict̃ vsque ad eosd̃ terminos soluere paratus fue-
 rit et adhuc eritat, prout vicibus et modis qui-
 buslibet conuenit paratus est soluere eidem J. ex
 ecutionem dictarum C. li. de terris et tñtis ipsi.
 J. per textu recogñ p̃dict̃ psequitur minus iuste
 in ipsius J. nō modicū grauamē. Et cōtra vñ
 et effectum indenture p̃dictę. Quia eundem J.
 iniuriari nolumus in hac parte vobis mandam⁹
 q̃ visa altera parte indenture p̃dictę et vocatis
 coram vobis partibus p̃dictis auditis que hinc
 inde earum rationibus vlt̃ius in hac parte fie-
 ri faciatis, quod de iure et secundū consuetudinē
 regni nostri Anglie fuerit faciendū teste ac.

This writte lyethe in case, where a
 manne is holden to another, in a cer-
 tayne somme of money, by statute

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marchaunt, to paye at a certaine daye: or otherwise, that he shall forfeit the penalty of the statute marchaunt, w^{ch} in whiche day, the creasour releaseth to the dettour the same some, or otherwise by couenant of indenture betwixt them made, y^e is to say, that the dettour shall pay to y^e creasour a litle some of money euery year by little parcels vnto the same soe be fully contented & paid, and if he doe, than the other shall not sue y^e statute, then notwithstanding the release or indenture, y^e creasour sueth to the mayoze and bailifes for execution of the statute, that is to saye y^e the dettour be taken, and put in prison vnto the dette be paid, then he to whom the release or indenture was made, or hys next frend, shall come to the chauncelloz and shewe the release to him, than thys writt shall be graunted & directed to one of the Iustices of the comon banke, & after that he shall haue somons out of the comon bank to the shirife in what countye soeuer that the creasour is in, to cause him to come at a certaine day, at whiche daye if he come not, then he shall be distreined, and if hee come not to the distress retourned, the other shall be restozed to his land.

Addicion.

¶ One was taken by a capias vpo a certificat of a statut marchaunt, and shewed
foz

foz acquitaunce, of the pleintife, & pzaied that he might be demaunded, and so hee was, and appeared not, wherefoze the defendant pzaied that it be recozded, and to him it was denyed, foz that: that hee hath no day in court, wherefoze he pzaied a *venire facias*, oꝛ a *scire facias*, againste the pleintife to answere to the deede, and to hym it was denyed, and it was alwarded that he shall sue *audita querela*, oꝛ els he shall be without remedy.

The writ of *audita q̄rela* reherseth how the recognise hath released al accions by D. 44. C. 3 his deede, and also that hee hath released by endenture vpon certaine condicions the whiche was fulfilled, and the writte was chalenged foz that, that it reherseth these. ii. titles, wherc one extinguissheth the whole, wherefoze the court alwarded that þ̄ pleintife shall holde him to the one and so he helde him to the release.

Note that it behoueth all times that the *audita querela* make mencion of þ̄ release, acquitaunce oꝛ defendauce, foz oꝛ otherwise the pleintife shall not haue a *Supersedias*. D. 18. C. 3

Know ye, that if one *Audita querela*, be chalenged, foz that, that it doth not accord to the statute, and the recognisoure putteth afoze another writ of *audita querela*, and pzaieþ that the defendant may E. 25. C. 3.

Natura

answere to his dede, in this case if the defendant wil not answer: (now when he hath day in court to answer) to this. it. writtes then a *Veni facias* vpon the. if writtes shalbe awarded, & a *Supersedias* to the shirife, & that is a disauantage of the defendant y the first writ is abated.

A writ of *Si recognoscat*.

A writ of *Si recognoscat* is such

Ex vic. salutem. Hec tibi q si A. recognoscat se debere B. xl. s. sine vltioris dilatione, tunc ipsum distringas ad predict debitum eidem B. sine dilatione reddi reite &c.

This writ lyeth where any man oweth to another a certaine det, and the detour knowledgeth afoze the shirife in his county that he is dettour to such one the he to whom he is dettour after the recognisance made shal haue the saide writte. And by this writ he shalbe distreined vnto he hath made gree to the party for the det. And note that this writte lieth not, but of money nombred.

A writ de *Executione facienda*.

A writ de *Executione facienda* is such

Ex vic. salutem. Monstrauit nobis B. q cū ipse nūq implacitasset in com tuo p bñe nñū A. de debito C. s. et eidem A. in pleno com illo recognouit se debere prefato B. eandem pecuniam ad cert terminū reddendū, tūc termino illo elapso & eandem pecuniā eidem B. nondū soluit illā ad querimoniam suā scdm recognitionem predict huc vsque hēre non fecit in ipsas B. dāpnū nō modicū & grauamē. Et qd idē A. prout iustū fuerit subuenire volum⁹ in hac pte tibi p. qd si ita est pecuniam

p̄cūtiā illā de bonis & catallis ipsius .N. in bal
lium tua leuāt & illā etō .B. h̄ere fac. sine dilat, ne
clām ad nos inde pueniat iteratus, teste &c.

This writte lyeth where a man implea-
deth another in countye befoze the shi-
rife, & he that is ȳ dettour maketh there
a recognisaunce befoze the shirife to paye
to the pleintife the same somme at a cer-
taine day, the which daye is past and the
somme not payed, nor the recognise wil
not pay the saide somme to the pleintife,
then the pleintife shall haue the said writte
that is called de Execucione faciēda, de
recogn. facts in com. directed to ȳ shirife,
cōmaunding him ȳ he make execucion of
the same knowledge.

A writ de Secta molendini.

Rex vlc. salutē. Dicit .N. q̄ iuste & sine dilatio-
ne tē sectā ad molendinū .R. de C., quam ad
illud facere debet & solet vt dicit. Et nisi predic-
tus .B. fecerit &c, tunc sum &c, ostens, quāt non
fecerit, Et habeas &c. teste &c.

A writ de sec-
ta molendini
is suche

This writte de secta molendini (beinge in
the debet & solet) is a writ of right, & it
lyeth betwixt straunge persons for suche
supte withdrawen. And if the lord aske
suite of his tenaunt, he may distreine and
auowe the distres to the resonable. And ȳ
was bled in the time of E. son of king H.
and such writt maye be made in the coun-
tye and in the banke, as it appeareth by
the Register.

R. iiii.

A writ

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A writ de quod permittat.

A writte of
de q̄ permittat
is suche.

Rex vñ salutem. Recipe A qđ iuste &c. et sine
dilatione permittat B, hēre com pasture in
P. de qua C. pater p̄dicti B. cuius heres ipse est
fuit seiscus: vt de feodo tanquā p̄tineñ tenemē
tum suū in eadē villa dic quo obuit, vt dicit. Et
nisi &c.

This writ lyeth where a man is disseysed of comon pasture, & the disseisour doth alien and dieth, & his heire entreth or the disseisie dieth, then the heire of the disseisie, or the disseisie self, shal haue the said writ. And note ye: that a quod permittat was vsed: hēre rationabile estouarium in bosco, vel in turbaria et similibus. But in place of this writte is gyuen Assise of Pouel diss. as it is said in the statut of Westm. 2. Ca. 25. whiche beginneth: Quia nō est aliquod h̄cuc &c. For by the statute is ordained: that if anye be disseysed of his turbarie, fishing or of any other suche like that belongeth to his freehold for terme of hys lyfe at the leste, hee shal haue Assise of Pouell disseisin. And also by the statut of Westm. 2. Ca. 24. which beginneth. In quibus casibus &c. that if anye person of holye churche be disseised of his common of pasture (lyuyng the disseisour) he shal haue Assise of Pouell disseisyn of common of pasture. And in the same maner will, that the successour shal haue a writ of qđ permittat againste the

the disseisour of his heire. But in case where they are many comoners, whiche hath comon of pasture together by dede or covenant. And that the lord leaue by the comon a myll or a backehouse. The comoners shall not haue Assise of Pouell diss. but shalbe helped by the comon lawe upon their covenant or especialty. And that is giuen by the statute of Westm. 2. Ca. 46. whiche beginneth: *Quoniam in statu &c.* in the ende. And note ye that when this writ is in the debt without the solet, a man ought to declare of the seyson of his auncestour, and shall hold his suit dereiued good, the lieth battaile or great Assise. And when the writte is in the debt and the solet, and a man shall declare of his owne seyson, and not to say, to hold his suit dereiued good, & this writ shall be tried by the enquest. And this writte shalbe pleaded as a writ of trespass by attachment & distress and not by the graunde Cape or petit Cape. And it is to knowe if a free tenant be put out of his comon of pasture by his lord, or if the lord hath approued contrarie to the statute of Martyn Ca. 4. and against the statute of West. 2. Ca. 46. so if the tenant hath no sufficient pasture, he shall haue Assise of Pouell diss. of comon of pasture. And if the pasture bee surcharged by one free tenaunt, they

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they shall haue a w^{rite} of admesuremēt. But if the tenaunt surcharge the pasture the lord shal not haue a w^{rite} of admesurement against the tenaunt, no2 h^e tenāt against the lord, but the lord shall haue Assise of Nouel disseisine de libero tenemento, q^{uo} hoc dubitat. And knowe ye: h^e a w^{ritte} of *Quod permittat* maye be pleaded in h^e cou^{nty} befoze h^e shirife & it maye be in the debet & solet, o2 in the debet without h^e solet, according as the demaundaunt claymeth. And if a man disseised of his comon of pasture, & the disseysoure dyeth & his heire entreth, the disseisie shall haue a w^{rit} of *Quod permittat*, & shal make mencion of the disseison. And if after the deth of the disseysoure o2 hys heires a straunge purchasour entreth, he shall haue a *Quod permittat* in the debet & solet, whiche shall try the right. And if he demaūd comon of pasture of the seyson of hys aūcestoure the day of his death, he shall haue a w^{rite} of *Quod permittat*, that shal make mencion of the seison of his aūcestour, the whiche is in nature of Mortd. But if a straūger enter after the death of the disseysour, hee shall haue against the straunger no other w^{rit} but h^e *Quod permittat* in the right. And knowe ye: h^e a *Quod permittat* lieth of comon t^{ur}bary, f^{is}shing, and of reasonable estouers againste the disseysours of a disseys

disseisin by him or his auncestours made to the pleintife or his auncestours, and in no other degrees. Note ye: that in the *Quod permittat*, that is of the nature of the *Mo*dauncestour may not be pleaded in h countye . But that *Quod permittat ad certum numerum aueriorum* maye wel be pleaded in coũty in h comon bank, or in *Cyze*.

addicion
W. 30. B. 6.

In a *Quod permittat* in the debet and so let, of a way of his owne seison, it is conuenient for the pleintife to clayme the way in his declaracion by p̃scriptiō or by deede: for that, y hee claimeth to take suche p̃ofite in the seuerall of another p̃son.

M. 41. C. 3.

Note ye: that if a man and his auncestours were wont to grinde at my myl without multure, & the mylner wyll not suffer him to grynde withoute multure, whereby the milner taketh multure. In this case a man shall not haue a writte of *Quod permittat*, but a writte of *Trespas*.

And note ye: that ther is. iiii. maners *Nota* of Comon (that is to say) Comō appendant, Comon appurtenaunt. Comon in gros, & comon p̃r cause de visinage.

Comon appendant: is there, where a mā is seased of a maner to which he hath comon in other seueral appendant to the same maner. And this comō maye not be occupied, but with his p̃oper beastes, & such

B. 4. B. 6
An. 11. B. 6

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such as doth compester his lande.

In. 21. D. 6

And if a man claime common appendant, he ought to claime it by reason of a mesuage, otherwise it is not good.

M. 4. C. 3.

And note that a man may haue common of fishing belonging to his house as well as common of pasture.

M. 4. C. 3.

M. 5. D. 7

And know ye that Comon appendaunt maye not bee seuered from the landes to which the comon is belonginge. And yf the tenementes, to whiche a comon is belonginge come in the possession of hym y hath the land, out of whiche the comen is purchased. the the comon is ertinguished in his person. And if the tenementes afterwarde, bee seuered by alienacion, as they were afore, then the comen is appendant as it was befoze, after Scot.

C. 37. D. 6.

Comon appurtenaunt is when a man prescribeth to haue comon appendaunce to his lande with all maner of beastes, & this comon may be made gros.

M. 5. D. 7.

Comon in gros is where a mā prescribeth, that he & his auncestours hath had comon in the land to beastes without nōber, & he may occupy this common, with what maner beastes y he will, and maye take beastes of a straunger to gyeft &c.

In. 21. D. 6.

Comon per cause de visinage is wher the towne of Dale, & the towne of Sale are adioyning, and the lozde of Dale and
hys

his tennautes hat' bled to common in the wast ground of Sale, because of hys neighbour head.

And note ye that to land newly app²⁰ **¶.10.C.3**
ued: a man shal not haue comon, but to auncient land hys and gaine.

If a man graunt to me to comon with **¶.4.¶.6.**
my beastes whersoever his beastes go, & after he occupieth & manureth **C.** acres of land with his beastes, and after it hap peneth so, that he hath no other beastes, yet I shall haue my comon in the said **C.** acres of lande. But if a man graunt to me to comon whersoever his beastes goeth (it is saide) by Martine that I shall not haue comon, but when he cometh.

Note ye: **¶** it was saide by Fayrefar **Nota**
that if one hath a way belonging to his maner, or to his house by prescription, this way may not be made in grosse, for **¶** that none may take profit of that way, except he that hath the house, to whiche the way is belonging. But a comon appurtenant may be made in gros, & auowson appendant may be made in gros: for that that people may haue profit of them, not withstanding that they haue not the land. But of comon of Estouers to bee used in a house, may not be leuered and be made in gros, nor comen appendaunt, which is by reason of the tenure. &c.

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A writ de Quo iure.

A writte de
Quo iure is
such

Rex vic. salutem &c. Si A. fecerit te secut &c. tunc
solum &c. B. q. sit coram &c. ostel. quo iur exigit
communiam pasture in terra ipsius A. in C. si-
cut idem B. nullam habet communiam in terra
ipsius A. nec idem B. seruicia facit: quare com-
muniā in terra A. habere debet, ut dicit. Et habe-
as ibi, sum et hoc breue teste &c.

This writ lyeth, where a man hath cō-
mon of pasture in another mans seuo-
ral (after y time of y memoze vnto thys
pze sent day) then he to whōe the seuerall
belongeth, shal haue the saide writte, by
which he shalbe charged to aunswer, by
what title he claimeth to haue comon of
pasture in the seuerall of the plemtife.

Nota

Proces

And note ye: that the lord may not put
out the tenant of the comon: for if he put
him out, he may haue assise againste the
lord, for that, that the tenant was seised
of the comon after the limitacion of as-
sise. But it is conuenient that the lord
haue this writ, and this writ is giuen to
try the righte. And the proces is in this
writ, Somons, attachement, & distresse,
vnto the party come, and when the party
commeth and pledeth in the right to the
accion, and after make default, then shall
go a graunde distresse in place of a petite
Cape. And this writ shalbe determined
by battaile, or by graunde assise as well
as any other writ of right.

Addi-

Addicion.

And knowe ye, that this writ lieth for
tenaunt of the grounde, but not for him
that claimeth common by Herle. **3a. 2. C. 1.**

A Quo iure brought by twoe, thone was
non suit, & the other was receiued to sue
sole, and the defendaunt iustified by pre-
scription. &c. And therfore he wēt quyte. **C. 11. D. 3.**

A Quo iure maye bee brought against se-
ueral tenautes. Or if they and their te-
nants entercomon by cause of bilinage,
or of time wherof memoꝛye doth not run
though that the one gaine al his lande or
inclose, yet he shal haue his comon with
the other, and the other shal haue a writ
against him for to haue his comon. **D. 14. D. 3.**

A writ de admesuratione pasture.

Rex vic salutem. Questus est nobis A. q. B. i. **A writte de**
iuste superoneravit communē pasturam suam **admesuracio-**
in B. Ita q. in ea plura habet animalia & pecora **ne pasture is**
quā habere debet, & ad ipsū ptinet habend. Et i- **such**
deo tibi precipimus, q. iuste & sine dilatione ad-
mensurari facias pasturam illam. Ita q. p̄dict⁹
B. nō habeat in ea plura animalia et pecora quā
habere debet, et ad ipsum pertinet habend scdm
liberū tenementū suū q. habet in eadem villa.
Et quod p̄dictus A. habeat in pastura illa tot a-
nimalia et pecora que habet debet et ad ipsū per-
tinet habend ne amplius clamorem aud p̄o des-
fectu recti, teste &c.

This writte lyeth where there are ma-
nye free tenautes whiche hath com-
mon of pasture belonginge to theire re-
hold

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holde, & one of the surcharge the comon, otherwise then he ought, than he that is greued by this surcharge shall haue this writ. And knowe ye: that this writ lieth for one of y^e comoners or for all, but they shal not haue it against the lorde. And yf one of the bzing a writte of Mesurement al these comoners shalbe amended, as wel these that bzingeth not the writ, as he y^e bzingeth the writ. And this proces is in this writ, as is ordained in the statute of Westm. 2. Cap. 7. whiche beginnethe Custodi de ceter. &c. that is to saye, somōs attachement, & distres parentptory with proclamacion made in two cōtries And if the partye come at the proclamaciō thā the ple shal passe betwixt them. And if he come not at the proclamacion, then the mesurement shalbe made by his defeaute.

¶ Addition.

2.8.E.2.

Note ye: that in this writ, it is no ple for the defendaunt to saye, that hanging this writ the demaundaunt put him out of his comon, and of that hee hath assise hanging: for that, that he is seised of the tenementes, for the whiche hee surcharged the pasture.

Enters. E. 3.

If I haue comon in maner because of visinage, & the lorde surcharge that comō I shal haue a writte of mesurement against him: for that, that I am not his tenaunt.

And

And knowe ye after Huse, if there be H. 19. C. 3.
but two neighbours in a towne, which
entercomoneth in others lande, a wꝛyt
of Mesurement lyeth not betwixt them
foꝛ the one may not say, y^e the other hath
surcharged his comon, foꝛ his comon is
the freholde of the other, and his frehold
may not be surcharged.

H. 22. C. 3.
L. 1. affi.
p. 10. 45.
This wꝛit lieth not against him which
hath comon appendant noꝛ against him
that hath comon by especialte to beastes
without nūbꝛe. But against him which
hath comon appurtenaunte, and comon
by especialte to a certayne numbꝛe of bea
stes. &c.

H. 7. H. 6.
In a wꝛit of Mesurement of pasture,
he declared that where the defendaunte,
hath comon in a certayne place because
of hys tenure, and there hath the defen
daunt put mo beastes than he ought of
right, and shewed the numbꝛe, and the
surplusage of the beastes, the defendant
said that there is another that hath co
mon in the place which is in full lyfe not
named in the wꝛit. And by some men it
was said, that a man shall not haue an
accion againste one, againste whome he
hath no cause of accion. But by this ac
ciō al shalbe admesured, and it is no pre
iudice to them: foꝛ that, that they haue al
that, that right will.

L. i.

A wꝛit

Natura

¶ A wyzt de Secunda supero- neratione pasture.

a wyzt de se-
cunda supero-
neratione pas-
ture is such.

Rex bic salutē. Mōstrauit nobis A. qđ cū ipse
bte tibi nfm nup detulisset de cōmuni pasto-
ra sua in p. admesurādā quā B. intulit supero-
nerauit, & in pasturā illā p pceptū nfm pzon-
mos est in regno nfo admesuraueris idē B. pa-
sturam illā post admesurationē predictā iterū
intulit suponerat in ipsius A. dāpnū nō modī-
cū et grauamē et cōtra formā statuti in huiusmo-
di casu prouisiū & quia eidē A. iuxta formā eiusdē
statuti subuenire volum⁹, vt tenemur tibi pēpi-
mus qđ in ppropia persona tua ad pasturā illā
accedas et per sacm pbozū & legalium hoīm
de ballia tua, per quos rei veritas melius scire
poterit de scda eiusdem pasturē superoneratione
diligenter inquiras. Et super inquisitionem illā
pasturam predictam per pfectū B. post pzmā
admesurationē iterū intulit suponerat inuen-
ris tunc de aueris illis in pastura pdicta ultra
debitum numerū post pzmā admesurationē po-
sitū vt de pteris eozūde nobis ad sacat nostrū
respōdeas & superonerationē amoucas teste ec.

This wyzt lieth, wher Mesuremēt hath
ben made, and he that firste surchar-
ged the comon, another time surcharged
than he that is so greuen shall haue the
sayd wyzt. And note ye: that thys wyzt is
sometime Originall, and sometime Ju-
diciall. And in the case aforesaid it is Ori-
ginal, & it is a Justicies not retournable.
But that the Thirise shall goe in proper
person to the pasture, and he shall make
inquire by lawfull men of hys bay-
lewiki

lewike of the superoneracion and if it be found, the shirife shall aunswer to þ barōs of þ Cheker for beastes, which were in the pasture ouer & aboue þ due nūbr. And whā it is iudicial, thē it shall go out of þ comon bāke to þ shirife cōmaūdings him þ he go to the place wherc þ mesurement was made, and inquire in the presens of þ parties, of þ second surcharge: and if it be found, þ inquisition shall bee sent to the iustices of þ comon banke vnder his seale, & the scales of the surroures & after the inquisition retourned þ iustices shall iuge the parties their damages. And knowe ye: þ this writ lieth not, but where a mesurement hath ben made betwixt þ foresaid tenantes: for if any purchase the state of one which was pty to þ Mesurement, he shall not haue this writ of second surcharge, for he is not helped by the statut of west. 2. ca. 8. And know ye that a writ of Mesurement may be removed out of the county into the comō banke by a poine. as well at the suit of the pleyntife as at the suit of the defendant. But it shall be al times with cause. And than þ writ of the seconde surcharge is Iudicial, as is aforesaid.

¶ A writ de Rationabilibus diuisis.

Rex viē salutē. Precipim⁹ tibi qđ iuste ec. saz A writte de Rē rōnabiles diuissas int frā A. in E. & terrā rātionabili.

L.ii.

S. de

Natura

bus deuisis
is luche,

S. de R. in D. sicut eē debēt et solent: vnde idē
D. queritur: q̄ predictus S. plus inde trahit ad
seodū suū q̄ ad ipsū pertinet habend. Re. ampl
us inde ec pzo d. lectu iustice teste. &c.

This writ lieth in case where there is
two lordes in diuers townes, & theire
seigniozies ioyneþ togither. If any par
cel of land of the one seigniozie hath ben
incroched by little parcels after the time
of memozy vnto this present time, than
that lord of which seigniozie the parcel
of land was encroched, shal haue ȳ sayde
writ against ȳ lord that hath incroched.
And know ye: that this writ is a Justy
cles and may be remoued by the pone out
of the countie into ȳ comon banke. And
thys writ hath ben made betwixt diuers
townes, and diuers parsons & not other
wise. And the pzoce is, Somons graūd
cape, & petit cape.

pzoce.

Writre de
Parābulaci
one faciendā
is luche.

CA writ de Perābulatione faciendā.
Rex viē salutē. Preē tibi qđ assūptis teci. xii.
discretis & leg. militibus de cōm tuo et in p
pzia parsona tua accedas ad terram W. de S. in
C. et terrā R. de B. in R. p corū sacm fieri fac
perambulationem inter terram ipsi⁹ W. et terrā
pdicti R. in C. qz pdict w. & R. posuerūt se corā
nobis in pambulationem illam Et scire fac Ju
sticiariis nostris apđ westm tali die vñ Justici
ariis nris ad primā assisā sub sigillo tuo et sigilla
lis. iiii. legal militū ex illis, qui parambulacionē
illā interfuerint p quos metas & deuillas param
bulatio illa facta fuerit. Et habeas ibi nomina
militum et hoc bꝛue, teste &c.

This

This writ lieth in case aforesaid wher
 parcel of land of the one lord hath ben
 in luche maner incroched by longe tyme
 past, than by assent of both the Lordes
 this writ shalbe purchased. And in thys
 writ is no proces. But that the Writte
 shal take with hym the saide parties and
 chiefe men dwelling in the said seignio-
 ry, and go to the said place where the in-
 crochement was made, & there they shal
 make *Perambulatio*, and order the seig-
 nories as they were in olde time as be-
 fore the incrochement. And knowe ye: y
 these two writs lieth not, but where that
 incrochement hath bene made from
 yere to yere by little parcels withoute
 time of minde vnto thys present tyme.
 But where the incrochement hath bene
 made but of late time, than lieth y assyse
 And knowe ye: that the writ of *perambula-
 tione facienda*, alwaies is made by agrement
 of the parties betwene diuers towne in
 one countie. And y parties betwixt whō
 the *Perambulacion* shall be made, shall
 come to the chauncery & graūt the *Per-
 ambulacio* shall be made betwixte their
 landes. And the agrement shal be inrol-
 led, or thereof a *dedimus potestatem* may be
 made. Anno. 8. C. 3.

Addicion.

Note ye: that a tenant in dower maye
 L.iii. haue

Natura

A. 1. B. 3.
It ebozum.

haue this w^{rit}. But the Perambulation,
shalbe made betwixt him in the reuerſiō
& the defēdāt in this w^{rit}, & not betwixt
the tenant in dower and the defendant.

A w^{ritte} de
Annuo redditu
is such.

¶ A w^{rit} de annuo redditu.

Rex vi^{ti} salutē p^{re}et. I. q^{uo}d iuste et reddat B.
ec. C. li. quas ei aretro sūt de annuo redditu
xx. l. quas ei debet, vt di^{ct}. Et nisi fec^{er} ec. tūc sum^{us}
ec. ostens^{us} quare non fecerit. Et habeas ibi sum^{us}
& hoc b^{ene}, teste ec.

¶ Aliter in comitatu.

Rex vi^{ti} salutē. P^{re}et tibi: q^{uo}d iustices I. q^{uo}d
ec. redd^{at} D. de C. cēti solidos: q^{uo}d ei aretro sūt
de annuo redditu. x. li. et vnus robe, q^{uo}d ei debet
vt dicit, & sicut rationabiliter ec. Ne ampli^{us} ec.
pro defectu iusticie, teste ec.

This w^{rit} lieth in case, where a man
graūt to another by w^{rit}isg any sūm
of money o^r rent, to take euerye yere of
hys colers, o^r of hys chamb^{re} o^r of hys
maner. And after such graūt that sūme
of mony o^r rē is behind. Thā he to whō
h^{is} rent is graūted shal haue h^{is} sayde w^{rit}
& by this w^{rit} recouer h^{is} sūme of moneye
o^r rent that is behinde & hys damages.
But if the landes o^r tenementes be char
ged with a dist^{re} so^r such rent behinde thā
he may distreine in the landes o^r tene
mēts. And if the distres be fro him defo^r
ced, than he shall haue assise. And knowe
pe: y^{et} this w^{ritte} of Annuite is not to be
sued by executors, but in place of thys
w^{rit}

Writ is giue a writte of Dette. which shall be made in the Definet, and not in the Debet, & in y same maner shalbe of wheat Barley, and other such like. And knowe ye that in this writ, & in a writ of Dette vpo an obligacio, and in other cases lyke where he ought to shew especialty in declaracion, declaring in such writtes it is conuenient that y name of the pleintife, or the name of the defendand agre with the specialty or otherwyle the writt shall abate, if the party that challenge. But in a writ of wast brought by him in the reuerfion, and in a foymedon in y remainder, a man ought not to shew especialty afoze that it be demaunded by the partie, though that the name of the pleintife, or the demaundant in the writ be not accordyng to the especialte. The writt shal not abate, as it appereth. *D. 41. C. 3.* in a writ of wast. And the proces is Somons Attachement and distres infinite.

Proces

And note ye: y of annuall rent going out of land or tenement, & not of a chabze a man ought to haue the writ.

Addicion.

Note ye: that if annuite be grauted out *D. 4. D. 6.* of a church in one county, and the graunt is seised of the annuite in a nother county, the graunt may chose in which county, he wil bring his writ of annuite.

D. 13. C. 3.

L. iiii.

In

Q. 11. C. 3.

In this writ the declaracion was challenged: for that, that the pleintife supposed leison by the handes of the defendand and his predecessour, where he was not seysed by the handes of the defendand: & not allowed.

Q. 16. C. 2.

The declaracio was challenged for that that it was the pere of the Incarnacion, & not the pere of the reigne of the king, and not allowed.

Q. 11. C. 4.

If Annuittie be graunted upon condici on, the pleintife shall not shew that, in his declaracion, but he shall make his declaracion simple, & the defendaunt shall not haue auantage of that by way of ple in abatement of the declaracion, but he shall pleade that by way of barre.

Q. 3. H. 6.

If a man graunt annuite of a golwne, p. 10. s. the writ shall be brought of the golwne, p. 10. s. without speakinge of the .rr. s. if the graunt will, or hee maye haue a writ of the .rr. s. without speaking of the golwne, & in this case the writ shall not abate though it be not accordinge to the writting. But if the writ agree with the graunt than the writ shall abate for the non certaynte for by the writte the demaunde ought to be certaine.

If I graunt annuitie of .xl. s. to one of the kinges chapleins, vnto he be promoted by me to a competent benefice, in this case

case if I profer to him a benefyce which is worth. x. markes, the which he refuse that is a good extinguisment of y^e Annuite, for the benefice shal haue relation of y^e value of y^e annuite, & not to y^e estate of y^e person to who it is proferred though that he be a man of great estate qd nota. H. 3. H. 6.

If annuite be graunted vpon condicio D. 16. C. 3. that is to say, vnto the graut be promo- ted to a benefice, or to giue his counsell. &c. And the graunt bringe a writ of Annuite of the arrerages, and the grauntour say that suche a day he profered to him a sufficient benefice, or that he demaunded his counsell & the graunt that refused, in this case, the grauntour shall not answer to the arrerages before the tender, for y^e that by the tender, the Annuite is determined, & of these arrerages, before the extinguisment, the graunt is put to his writ of dette. If the graunt haue acquitance of y^e arrerages before y^e extinguisment, he shal not plede that in a writ of Annuite: for he shall haue auantage to pleade that in a writ of dette.

If Annuite be grauted out of certeyne H. 18. C. 2. lande, it is in eleccion of the grauntee to bring assise, or a writ of annuitie.

In a writ of annuitie if the defendant D. 30. C. 3. shewe acquitance of the arrerages. yet the pleyntife shall haue iudgement to

Natura

to recouer y annuite aswel as in a wytt
of meane, y defendant pleadeth not dys-
treined in his defeaute, the pleintife shall
recouer the acquital streight way.

D. 22. C. 3.

In a wyttte of Annuite against one J.
and declared that the saide J. by a dede y
he sheweth grauted to him one Annuite
of .xx. s. by yere going out of the manour
of Dale, the defendant sayd that after y
accion brought, he hath receiued .x. mar-
kes of the arrerages of the sayd annuite
& so hath he abated his will. And it was
holde in that was no ple to discharge the
wytting, except that he shewe another
wytting, as it is vpon an obligacion, els
it is no discharge.

D. 6. D. 4.

If a person of a church hath licence of
the patron & ordinary to graunt annuite
this graunt of Annuite with such licēce
shall charge his successour for euer wout
any other graunt, or confirmaciō of the
patrō & ordinary. And that is as stronge
in the law, as they al had ioyned in graūt
or confirmed the graunt made by the p-
son alone. Tamen quere.

D. 45. D. 6.

If annuite be grauted to another for
his counsell gyuen and to be gyuen the
graunt is not bounde, to goe to the graū
tour, but to giue his counsell where the
graunt is.

If a man graunt to me an Annuite of
xx. s.

xx. s. by yere payable at the feaste of saint Michael, & at the annūciacion of our Lady, & the dede bearth date the fourth day of February. I shall take y first payment at the feast of the Annunciacion next after the date of the dede, not withstandi g, that the feast of saint Michel, be the full day in the dede.

¶ Writ de Consuetudinibus et seruiciis.

Rex vñ salutē Dñe A. qđ iuste &c. fac B. de C. cons & recta seruī sua, que ei fac debet de libero tenemento suo, qđ de eo tenet in p. vt in redditibus acē & aliis, vsic vt in secta cur & in aliis. Et nisi fec &c. se seruī tunc summat &c. ostens quare non fecerit, Et habeas &c. teste &c.

¶ Writ de Consuetudinibus et seruiciis is suche.

This writ is a writ of ryght and will be determined by bataile oꝝ by great Assise. And lieth where I oꝝ myne ancestors after the lymytacion of Assise was not seised of the customes, oꝝ of the seruices of our tenant. But afoze the lymytacion we were seised of the seruices, and of the customes of our foresaide tenant, than foꝝ to recouer the sayd seruices. I shall haue the said writ. And y pꝛoces is, Homōs, grauid cape, & petit cape. And it is to know that this writ may be pleaded in. iij. maners, that is to saye by one affirmatiue, & ii. negatiues, thys affirmatiue is called a wrytte of customes and seruices. And this wrytte supposeth alwaies

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alwaies, that the lord is auctour, and the tenant defendant. And the lord by this writ may demaunde against his tenant that holdeth the ground of him without meane, to demaund rent or suit to court or sealte, and suche maner of seruices, wherof the lord, or his auctours were seised by the hand of his tenant, or his auctours, as of rent going out of the same ground, or in his demeane, as of fee and of right, by reason of which rent the coroporal seruice is mouable. And for this, for people was wont to declare of the right in their declaracion of his owne seylon as of fee & of right. But of other seruices that are not remouable a man ought not to declare but as of fee, & of right without demeane. And this writ is al holly in his right: wher homage is grated, & knowledged by the tenant in ple pleadinge, in which case lieth nother bataill nor great Assise, nor in this writte ought the solet neuer to be written. And knowe ye that this writ ought to be pleded by the same delais, as *Quod permittat*, but in this writ of right, is demaunded tenementes in demeane after customes and seruices denied. And by the lord Gilbert de preston lieth not the biewe, that is to save, if the deforceour hold not. ii. tenementes in his same towne wherof his demaundant claymeth

meth diuers seruitces to him as well as in
the *Quod permittat*, & this writ may be ple-
ded in the countye befoze the Shyrife, or
Iustices of the comon banke by the pone
but better it is for þe chiefe lord to pleade
befoze the Iustices of the comon banke
than in the countie, for the disclaimour of
the tenant, to whome no paine is gyuen
vpon the disclaimour in the county. But
if the disclaioure be afoze Iustices of re-
cord, than an accion is giuen to the lord
to demaunde those tenement; in demeane
out of which the seruitces doth goe. And
if the lord be wise he may purchase such
maner of seruitces, that if they be behind
for defaute or distres he shall haue reme-
die after the fourme as is conteyned in þe
statute of Westm. 2. ca. 21. which begin-
neth. *Cū in statuto ec.* And with þe agree
to the stat of Glouc. ca. 3. which beginneth
Ensement si home lesse. &c. And þe one of
these writts of Customes, & seruitces ne-
gatiues is open. And beginneth thus. *Pro-*
hibemus tibi ne iniuste veres. &c. And þe
other is close. And beginneth thus. *Mic.*
salutē Prohibemus tibi qd nō permittas
A. qd distringat B. ad faciendum ei consu.
& seruic. qd de iure facere nō debet nec so-
let &c. And the writ þe is open is betwixt
þe tenant auctor, & þe lord defendāt, but af-
ter þe the tenant hath declared for suit, &
dama-

damages the lord defending the wordes
 of the court, and in y repleuin saye that
 he distreined not the tenant for y custodes
 and the services, wherof the declaration
 is to the wronge, and not to y right, &
 after shewe al the declaration of y wryt
 of Customes and services, and profer
 his suit to be good, and after the tenant,
 which was auctour afore becometh de-
 mandant, and shal defend by batail, or
 by graunde assise, as they ought to doe.
 And it behoueth of fine forre, y the tenat
 knowledge to holde y tenementes whiche
 are in demaunde of the same lord, by
 some services, or otherwise a wryt of ex-
 cept lieth. And if he will, this wrytte at
 the first shal be brought in the court of
 the same lord, that distreined if he hathe
 court and there shal the tenant plede as
 long as y court may do right. And whā
 the court may make no right, the shirife
 at the suggestion of the pleintife by ver-
 tue of such a clause that is conteyned in
 y wryt, y is to say. Et nisi feceris. &c. may
 make a Wolt out of the lords court into
 the countie, & from thence remoue y plee
 afore the Justices of the comon banke by
 a pone if he will after the order of y wryt
 of right open. The wryt negative close is
 of Customes and services not due, and
 lieth in case whan the lord distreineth a
 man

man for customes & seruices not delue, &
 nothing claimeþ to holde of hym, and
 namely whan the tenant that is distrey-
 ned, knowleged no seruices to be due to þ
 lord by his hande, and that is a writ of
 Right, and he that is auctour shal becoꝛe
 defendant, and the contrary, & such writ
 wil be determined by batayle oꝛ graunde
 assise, as in the *Quo iure*. And there is dyf-
 ference betwixt this and the *ne iniuste vexes*,
 for þ, that the *ne iniuste vexes*: will all times
 be open. And the writte of *Quod permittat*,
 close. And the pleintif, that bringeth the
ne iniuste vexes: claimeþ to holde of the lord
 that distreineth, & knowl: dgeth in ma-
 ner parte of his seruice of him demaun-
 ded & part denieth. And he that bringeth
 this writte close declareth not to holde of
 the lord the tencmentes, and no seruy-
 ces of hym demaundeth to bee delue by
 him to the lord. And if the tenāt be wise
 at the beginning, he shal cause his beas-
 tes to be deliuered by repleuin, for if the
 tenant may auerre that þ lord, noꝛ none
 of his auncestours were neuer seysed by
 the hand of þ tenāt, oꝛ of his auncestours
 oꝛ of any other tenant of the same tenc-
 mentes of the seruices demaunded after
 the limitacion of the assyse, the repleuin
 shal serue hym but peradventure the
 lord was seysed by longe continuance
 of

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of the seruices demaunded, though that it was by wzonge by the hande of the tenant oꝛ of hys auncestours, then the repleuin may not helpe, but than he ought to bzing the *Ne iniuste vexes*: oꝛ if he be disfreigned by the chiefe lord for suit, than in suche case he shall bzing a writ fourmed vpon the statute of Marl. Capit. 8. which beginneth. *De seft liquidem faciend* &c. Note ye that a manne may haue acquittance of the seruices in .iii. maners, that is to say by dede the counter baileth acquitaunce, oꝛ for that, that the Meane is seised of other such euil seruices by the hand of the tenat as the lord peramont demaunde of tenant oꝛ for that, that he and hys auncestours of tyme wherof &c.

Addicion.

D. 1. C. 3.

Note ye that this writ is of diuers natures, some are writtes of right determynable, by bataile, oꝛ by graud assise, and that may none vse but he y of clere right may speake, and some are mixed in y possession, and that in diuers maners, for some is bzought of the seison of the deamaundant by the hand of the defozsant, and such writ shalbe in the Debet & solet and seme the seyson of the auncestoure onely and such writ shalbe in the Debet only without the solet, and shall declare
for

for damages for the possession by whiche
this writ that wilbe tryed in the possessi
on may a mā vse though that he may not
try the right, as tenaunt in dower or by
the courtesye, & if the deforsour will dis-
claime, than the tenaunt in dower or by
courtesy shall haue aide of him in the re-
uersion, for that, y he may not be hasty
to such hys answer, that to plead in the
right without him in the reuersiō to whō
the accion is geuen by the disclamour.

**¶ A writ de Contra formam
feoffamenti.**

Rex balliuis R. de B salutem. Cū de commu-
ni cōsilio regni nēi Anglie pūsum sit ne quis
occōne tenementorum suorum distring. ad sectā fa-
ciendū ad cū dñcū suozū nisi p formā feoffamēti
ad sectā illā aut ipsi vel eozū antecessores ten illa
tenētes eas fac. cōsueuer ante pñi transsē dñi H.
R. panti in Writā vobis pcpim⁹ qd nō distrig.
Ad faciendū sectā ad cū pdictam de R cont for-
mam pūisionis pdictē & si districtionē quā ea oc-
cōe feceritis sine dilatione relaxatis teste &c.

This writte lyeth where a man infeof-
feth another of certain landes or tene-
mentes by Chartoure of feoffemente, to
make certaine seruices and suites to his
courte, and the lord his heire, or his as-
sygnes distreine his tenaunt to make mo
seruices thā is conteined in y said Char-
tour, than this saide tenant maye haue y
said writ directed to the lord, commaun-
dyng him that he distreine not the sayde

¶ i.

tenant

**¶ A writ de cō-
tra formam
feoffamenti
is such**

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tenaunt to dose other seruices than hys
Chartour will, as it is geuen by the sta-
tute of Parl. Ca. 9. Whiche beginneth
De sect liquidē faciend. &c. for none shall
be bound to make suit to the court of his
lorde otherwise than is contained in hys
Chartour. And h̄ proces is, Attachement
and distresse vntil the partye come. And
knowe ye, that this writte oughte to bee
brought there where the plaintife clay-
meth by disset, & not by purchase. And al-
so if any be distreined againste h̄ fourme
of any statute, he may haue a prohibition
and vpon the prohibition Attachement:
but he shall not haue attachement afore h̄
prohibition sued. And note ye, that if a
nye heritage of whiche one sole suite is
due descend to manye parceners, than by
the forelaide statut he ȳ hath the aūcient
parte shal make the suite for al, & these o-
ther shall make contribucion, and if they
will not the shal haue against thē a writ
De contributione facienda, whiche writ and ma-
nye other ȳ toucheth this matter shalbee
founde in the Register amonges writtes
of h̄ statutes. And h̄ proces is as in a writ
of *Dedimus potestatem de fine leuanda*.

Addicion.

Note ye that in this writte, the defen-
dant demaunded hearinge of the deede of
scoffement, & ȳ demaūd was not alowed.

Note

Note ye that if there be the lord and the tenaunt and the lord is seised of two courtes. s. of one court of Dale, & of another in Sale, and the tenat holdeth of y lord of the maner of Dale, and suit to the same, & it is agreed betwixt the lord and the tenaunt, that the tenante shall make suit to y courte of the maner of Dale, for the suit due to the court of the maner of Dale, the lord in this case may distreyn his tenant to make the suite to the court of Dale, as he ought, for the suit abideth all times due to the court of Dale. And y same law is if the lord by agreemēt take two. s. of rent by yeare, in allowaunce of suit, & so is seised by the space of. xl. yerres, & at the last the. ii. s. are behinde, and the lord demaundeth hys suite, in these cases the tenant may not mayntaine a writte of *Contra form. in scōffament* against the lord.

M. 3. C. 2

A writte of Meane.

Rex viē salutem. Preci. N. q. iuste &c. acquietet N. de seruit. qd. T. ad eo exegit de libero tenito suo qd. de prefat. N. tenet in p. vnde id. N. qui melius est inter eos ipsum acquietare debet vt dicit. Et vnde queritur quod pro defectu eius distingitur. et nisi fecerit &c. teste &c.

A writte of
meane is such

Thys writte lyethe where there are lord & Meane, & tenant, and the lord distreyneth the tenat for the seruycs y the meane ought to doe to the lord, goyng out of the lande, than shall the te-

M. 11.

naunt

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nant haue this writt against his Meane.
And if the tenant haue any wytyng ma-
king mencion of any acquytall, or finall
concoorde of his next meane of whome he
clapmeth to holde the grounde, or of hys
auncestours, or any seyson of any acquy-
tall by the hande of the same meane or of
hys auncestours: if the meane do demaund
what he hath to bynde hym to the acquy-
tall: than must he shewe it. And after that
the meane hath entred into the acquital
for to acquyte the tenaunt of the seruices
required by y^e chiefe lord: the same meane
may haue another writt against his mea-
ne betwixt him & his lord, & so of euery of
them. And this writt of meane & wyttes
of Customes and seruyces afoze saide,
shalbe pleaded, by the same delayes as a
writt of Trespas. And the Proces in this
writt is Somons, Attachement, and dys-
tresse. And day shalbe geuen before y^e the
great distresse shalbe returned, so that. ii.
Myre courtes may be holden & proclama-
cion shalbe made in those. ii. Myre courts
that the meane shall come at the day con-
teined in the writte for to acquyte the te-
nant, and if he come not at the saide daye:
than shal he lose the seruices of his tenat
& shalbe foreiudged of his seignorye, and
the tenante whiche bringeth this writte
shal be immediate tenante to the chiefe
lord

Proces

Ep. 3. C. 2

lord, & shal doe the same seruises, & suptes
 as his meane did to the said chiefe lord.
 And that is geue by the statute of West.
 2. Ca. 9. whiche beginneth. *Cū capitales*
domini &c. Neuertheles, y^e tenar shal not
 be prohibited to sue the proces given by
 the comon law, y^e is to say, *Simons*, *At-*
tachement, and *Distresse*, till the partye
 do coe if it be for his profite, for if the te-
 nant holdeth of his meane, by lesse serui-
 ces than the meane holdeth of the chiefe
 lord, and the tenant sueth the proces ge-
 uen by the statute, and the meane is for-
 iudged of hys seignory: than must the te-
 naunt doe the same seruises to the chiefe
 lord that the meane dyd, whych wer gre-
 uous to the tenant, and therfore may the
 tenant chose, which of the two processe
 he will sue in this case. And by the same
 statute this proces aforesaid, nor this for-
 iudginge is not geuen, where there bee
 many and sundry meanes betwixt the su-
 periour lord and thinferiour tenant, but
 in case where there is onely one meane.
 And also this foriudgeyng is not geuen
 of right, but onely for the tenaunt of fee
 symple againste the Meane of fee sym-
 ple. Neuertheles at y^e common law, ther
 was writ of Meane for the tenaunt in
 taylor and tenant for tearme of lyfe, and y^e
 is proued by the saide statute, where it is

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saide. *Ad 20 tenente in dote per legem Anglie et ad terminum vite vel per feodum talliatum nondum r̄r̄ remedium p̄uissu* &c. but that is to be vnderstanded, ȳ remedy, as concerning the foreiudger, is not ordeined for such tenautes, but the tenaunt maye haue a writ of meane, as it doth appere by the same statut. And note ye that a writ of Meane may be pleaded in the hyre courte befoze Justices of the common place, or Justices of Eyre, nor ȳ distresses shall not cease vpon the tenant though the writ were purchased vpon the Meane because ȳ chiefe lord hath alwaies hys recourse to hys fee, for to dyssreine for his customes and seruices with arrerages of the same. And note ye, that a mā may haue acquitaunce of seruices in diuers maners. s. by dede, or because ȳ the Meane is seised of suche seruices by the hand of the tenaunt as the chiefe lord demaundeth to hym, or because the Meane and hys auncellours hath acquyted the tenaunt and his auncellours at al times or because he doth hold of him in Frank marriage, or in dowry, or in Frankalmorigne. And note ye, that in case the Meane be ready to acquite the tenaunt of the seruices due to the chiefe lord, and the chiefe lord doth distraine the tenaunt, for the same seruices, thā shall the tenaunt haue a writ

Writ directed to the Shire of y same Shire
reherling, how that the Meane is readye
et. comaunding him y he shal not suffer
y tenant, nor the meane to bee distreined
by y sayd lord, nor other wise to be hered
by reason therof. And note ye, that if the
Meane doe commit a felony, for y which
he is attainted, in this case thinferioz te-
nant shal become immediate tenant to y
chief lord of such seruices as he did to the
Meane. And note ye, that this writ may
be remoued out of the Shire court into the
common place by a pone.

Addicion.

C Note ye that equalnes, or ouelty of ser-
uices is, wher the tenant holdeth an acre **19.4.5.6.**
of lād of the meane, by .vi. d. & the meane
holdeth the same acre ouer by .i. d. that is
good oueltie, for that, y the tenaunt hol-
deth by that, y the meane holdeth & moze
but if the Meane holde by moze seruices
than the tenant holdeth of him, that shal
not be said ouelty of seruices.

C And it is not couenient for the pleintif **An. 39. 5. 6.**
to shewe the certaintie of the tenure be-
twixt the meane and the lord above, for
than shal folow, y the tenure betwixt y
meane & the lord above, shal be tryed be-
twixt the Meane and the tenaunt, & that
shal bee no reason if the pleintife declare
that he holdeth of the Meane in Frank-

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almoigne & that he and his aunccestours
hath acquyted hym and his pzedecessourz
tyme out of memozy &c. this declaracion
is not double for the frankalmoygne is
no cause of the acquitall, excepte that he
shewe the gift. s. how the defendaunt and
his aunccestours, which gaue in frankal-
moygne, whiche is good cause of acquy-
tall without more, or to pzescribe, that
he & his aunccestours hath vsed to acquite
the pleintife, by reason of Frankalmoy-
gne, & he haue not pzescribed in Franke-
almoygne, & hath not shewed the begin-
nyng of the gifte, but hath shewed the
pzescription generall, the which is good
cause, and the other is but voyde, if the
pleintife pzescribe, that the defendaunte
ought him to acquyte against the lord
paramount, & all other, & it is founde for
the pleintife, that the defendaunt oughte
hym to acquyte against the lord, this pze-
scription of acquitall againste all the o-
ther, is voyde.

¶ 44. C. 3

If the pleintife declare that he is dys-
trayned by one D. for seruices of the
Meane, & that the Meane holdeth of D.
where there is two lordes, betwixte the
Meane and D. the defendant may pleade
in abatement of the declaracion, that hee
holdeth not of D.

¶ 45. C. 1

The lord Meane, and tenant, are, and
the

the Meane bindeth himself by fyne, to ac-
quyte the tenaunt againste the lord and
hys heires, the lord taketh a wyfe, and
hath issue and dyeth, the wyfe is endowd
of the seignorie, & distreined the tenaunt
perauaile for the seruices of the Meane, in
this case the Meane shall acquyte the te-
naunte against the wyfe: tenaunt in do-
wer, though he be not heire to the
lord, for that, that the reuersion of y^e ser-
uices is to the heire.

[T]he lord Meane, and tenant are, the M. 17. C. 3.
lord distreined the tenaunt perauaile for
release after the deathe of his father, in
this case the Meane is not bounde to ac-
quyte him, against the lord, for that, that
the answer that should discharge hym li-
eth not naturally in his mouth.

[T]he lord and tenant are, and the te- C. 17. C. 3.
naunt maketh a lease for tearme of lyfe,
yelding certain rent, and the lord distreyn-
ed the lesse, for the seruices of the tenat,
and the lesse bringeth a wyte of Meane,
the defendaunt shall saye, that the pleyn-
tife hath nothing but for tearme of lyfe,
& he shall not shew of whose lease iudge-
ment &c. It is conuenient for the pleyn-
tife to maintaine that he hath fee, other-
wise the wytte shall abate, for that, that
the wyte lyeth not, for tenant for tearme
of lyfe, but a wyte of couenaunt, & to saye
that

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that he holdeth of the lease of the defēt at the reuersion to him that will make no issue.

P. 38. C. 3.

¶ The lord meane beinge a woman & the tenant, the meane byndeth her self to acquyte the tenant & after taketh a husband and hath issue, and the tenant releaseth to the husbände, y^e hee noz his heires shall not be bounde to acquittall, the husband & the wife dyeth, the tenāt parauale bringeth a writ of Meane against the issue as heire to his mother & he pleadeth this release in barre, & it was holden y^e he shal not be barred, for that, that the defēdant is bound as heire to his mother.

D. 40. C. 3.

¶ The lord meane & tenant are, the meane doth graunt, by fyne the seruices of hys tenant to a stranger in fee, to whom the tennaunt parauale doth not atturue, y^e grauntour doth take a wife, & taketh estate to him & to his wife & to the heires of the body of the wife, & for defānt of suche issue, the remainder to the ryghte heires of the husbāde, & they haue issue a sonne & the husband dyeth, in thys case y^e sonne shalbe charged of the acquittall, in y^e writ of meane, if he may not auerre, that y^e tenant attourned to the graunt & the wife shall not be charged.

D. 24. C. 2.

¶ The lord, meane, and tennaunt are, the tennaunt is a woman, & taketh a husbāde
whiche

whiche are distreined for the seruices of the meane, in this case the husband, & the wife shall haue a writ of *Deane* against the meane, & they shall declare y^e the wife is distreined, as wel as the husbände supposing that the wife hath property of the goods during the espousales, and yet the declaration is good.

C Note ye, that a foreiudgement against the husbände and the wife, is not boyte, but errour, for hee shall not haue a *Cum* *vita*. 9.9.C.2.

C In a writ of *Deane* supposing that he is distreined, by one *K.* wherof the defendant is meane, the defendaunt saide that another tyme the pleintife broughte a writ of meane against hym, supposing y^e he is distreined by one *M.* in y^e same lād & that we are meane betwixt them, so supposeth he y^e *M.* hath the seignory, iudge ment of the writ that supposeth *K.* to haue the seignory, and not allowed, for if there be two or thre lords every one aboue o^r ther, if any of them distreine the tenaunt parauale, his suit is against his *Deane*, and he shall haue a write ouer, and so bys plee is no plee to the writ. 9.19.C.3.

The lord of a hundzed, meane, and tenaunt are, the tenaunt doth holde of the meane by homage, and *C*scuage, the lord demaundeth suite to his hundzed, of the tenant 9.4.C.3.

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tenant perauale, in this case the tennaunt
shal not haue a writ of meane, for as con-
cerning the suit to the hundred of the lord
shal aduowse vpon him, y is tennaunt of y
land for otherwise he may not do, not w
standing there is meane betwixt them, &
for suite that is due, by reason of the resi-
aunce, the meane shal not acqute hym.

**E.4.D.6.
I.13.C.3.**

If the lord paramount of whome the
meane holdeth ogeth, hanging this writ
the writ shal not abate for that, that the
writ was well purchasid at one tyme, &
it is no reason that it shal abate, by the
death of the lord that is a straunger, if it
shal be plee to say that the lord is dead,
it shal be to the acc^o, for the tenant shal
haue no remedy by a writte of Meane, of
that distresse taken in the lyfe of the lord
but of a foriudger otherwyse is, for there
the writ shal abate by y death of the lord
paramount, for that, that the tenat may
not be attendant to a dead persone.

H.34.C.3.

If the tenant do sell the meanaltye by
fyne hanging a writte of Meane, and the
tenant sueth furth his writ & foriudged
hys meane, notwithstandinge thys alie-
nacion or sale, the tennaunt shal be atten-
dant to the chiefe lord, and the graunt of
meanalty, shal not charge the tenant to
atturue.

In.15.D.6.

If the tennaunt be distreined for suche
ser

seruices that the ternaunt holdeth of the meane, he shal haue a writ of meane main ternaunt without anye notice made to the meane, but if he bee distressed for other seruices than the ternaunt holdeth of the meane, thā he ought to make knowlege to the meane, and after such knowlege, he shal haue a writ of meane, and not a fore.

C Note ye: that in a writ of Meane, the quantitie of the seruices shall not make issue, as if the pleintife declare that hee holdeth. xx. acres of land of the defendant by certaine seruices, & sheweth which & howe he holdeth ouer by manye other seruices, & howe the pleintife is distressed the defendant shall say, that the pleintife holdeth. x. acres of p. xx. acres by certaine seruices, and shewe which and by manye other mo seruices, that the pleintife hath not supposed & p. hee holdeth these other x. acres by other seruices, than the pleintife hath declared, and demaunded iudgement of the declaracion, no for the pleintife shall saye by protestacion not knowinge. xx. acres are holden by manye other seruices, as hath been alledged, but that they are holden by one whole seruice in the maner &c. Quod nota.

Ternaunt for terme of lyfe, the tenant shall not haue a writ of meane against h meane

2a. H. 5.
E. 6. C. 3

2a. H. 5.
E. 6. C. 3

Natura

meane, for he is not tenant to him, but to hym in the reuerſion: but if he be diſtreſſed for homage, hee ſhal haue a writte of meane for he may not do homage.

E. 17. C. 3
An. 15. B. 6.

But tenant for terme of lyfe, for tenat wher the remainder is ouer in fee, he ſhal haue a writ of meane againſt the meane. The ſame law is of tenant in dower.

H. 14. C. 2

If tenant by the courteſye be of a meanalry, the tenant parauale ſhal not haue a writte of meane againſt him in the reuerſion, leauing the tenant by y courteſye.

M. 12. C. 4.

The deſendat in a writ of meane ſayth that where the plaintife hath declared that he holdeth of me, and I ouer C. B. I ſay that I. holdeth of C. B. as in right of hys wyfe, & it is thought that it is a good plee, for otherwiſe if the tennaunte oughte to recouer by this writte, the meane ſhal be charged to two accuſtales, the one by eſtople, and the other becauſe of the meanalry againſt C. B. and his wyfe, as in the right of his wiſe.

32. 6. B. 4.

If the lord diſtreine the beaſtes of his tenant wher there is a meane, the meane maye put hys beaſtes into the pounde in gage, for the beaſtes of the tennaunt, and ſhall haue a repleuin, & plead with y lord and ſo euery eſtate ſaued, & if the meane reſuſe to helpe his tenant by this maner the tennaunt ſhall haue a writ of Meane vpon

upon the special matter.

In a writ of meane it is no good declaration, to say that the defendand, and his aunccestours hath acquitted the pleintife and his aunccestours, & those, whose estate he hath, but he shal saye that hee holdeth of hym by homage, fealtie, and certayne rent, of which seruices he is seised, & saith that he and hys aunccestours hath acquitted the pleintife & his aunccestours, tyme out of mynde &c.

A writ de Querela frisca for.

Uia dñi regis apud w. in guilhada eiusdem **A** writ de ville scdm consuetudinem ville illius acriber. **Q**uesti frisca tate burgens. ville illius p diuersos reges **B**agt forcia is such. **r**one. & per dñm regem nñc confirmat corā Johē **S** et **A. C.** ball vill predicte die lune prox. post festum sancti Bar. apostoli, an. regni **E.** 4. 9. ad hanc cuf venit **C.** abbas sancti Petri de Wyde, iuxta w. in propria persona sua, et queritur verius Thomam **L.** capellani Cantuar beate Marie virginis in ecclesia sancti Petri in **L.** de pñs assise Frisce forcie dicendo, quod idem **T** hom **L.** iniuste & sine iudicio, ac vi recenti disseisi. est de libero tenemto suo in w. post primam transse domini **H.** filii regis Johānis in valcofi & infra q̄rentenam &c. inuenit plegi. de pro querelam suā **J. B.** et **J. D.** Ideo secundum consuetudinem vill predicte preceptum est **G. F.** et **B. W.** seruientibz domini regis ad clauas in eadem villa et ministris cuf predict quod rescis fact tenent predictum de catallis que in ipso capf fact & ipsum tenemēt cum catallis esse in pace vsque ad prox. cuf corā maiore & balliis ciuitatis predicte in **G**uilhald predicte tali die prox. futuro tenendum.

C. 11. C. 3.

Natura

Et interim fac. xii. liberos & legales homines de
villā predicta infra precinctum libertatis ville p
dicti videre tē illud & nomina eorum in breuiari.
Et quod sumi eos per bonos sumi quod tunc sine
parati inde fac. recogn. Et quod post per badium
et saluos plegios predicti T. vel badium sumi
si ipse inuentus non fuerit quod tunc sit hic audi
tur illam recogn. Et quod tunc habeant hic iurā
nomina pleg. &c. Et super hoc eidem abbas posu
it loco suo J. H. versus T. S. de predicto placito
ad quem diē plac. seruiciē ret hic panellū de no
minibus recogn. quod hunc rotulo est consuet. Et
testantur quod eidem recogn. sumi sunt per Adā
Pye & R. S. quorum vterque manucapitur per
Johannem Done. R. S. T. J. & C. S.

Thye wytte lyeth in case where a man
is disseised of tenementes that are de
uysable, as in the citie of London or o
ther Boroughe or towne that is Fraun
chised, than the disseisie shall come in the
court of such a towne, that is in Fraun
chised &c. And entre his pleinte, where
in he shal shewe howe he is disseised, and
vpon that shal. xii. men say their verditte
in like maner as in Assise of Nouel dis
seisō. And know that the cause why that
it is called freshe force, is for that, that
if the disseisie cause not hys pleinte to be
entred, nor recovered within. xl. dayes,
he shalbe put to hys recovery at the com
mon lawe. s. to Assise of Nouel dissei
son (Et ides querre) And if the Mayre & y
ministers of the courte will not awarde
execucion of the iudgement of this freshe
force

force, then the party pursuant, or pleintif
shal haue this writte folowping to haue
execucio after the course of thys pleynt,
and shalbe dyrected to the bailifes of the
same towne. And the wyse of execucio
is such.

Rex balliis J. de C. salutem. Precipimus vo-
bis qd executionem iudicii nuper redditu an-
tius nra de sine breui nostro int. A. & B. de quad
friska forcia eidem J. per prelat. B. in B. facit ut
dic sine dilat fieri fac. C. & C. Et licet alias & cu
plures pt nede be &c.

A writ de Ex graui querela.

Rex maior & vic London salutem. Ex graui
querela J. filie E. & W. sororis eiusdem J. ac
cipimus qd cum scdm cons. in eadem ciuitate
hactenus obtentam et approbatam liceat un cu
tque ciui eiusdem ciuitatis tñ sua in eadem ciui-
tate in testamento suo in vltima voluntate sua tñ
quam catalla sua legat cuiusque volucrit ac S.
ciuis ciuitatis pcedente int. mesuag. cum per un
in eadem ciuitate in testamento suo a vltima vo-
luntate sua, Et habend sibi & hef suis de corpo-
re suo exeunt legasset R. & W. vxori ei duo mel-
& tres shopas inde prefatis J. W. filiabus & he-
res eius R. & W. minos tñ in ipso J. & W.
dispendiam non mod & grauamen. Et quia
eisdem intuari nolumus in hac parte vobis pre-
cipimus qd vocatis coram vobis pcuratoribus iudic
auditisque hinc inde carum rationibus inpecto
que tenet testamenti predicti eiusdem J. & W. si-
ci fac debitum & testum iustitie complementum
propt de iure & secundum consuetudine predice-
tam fuerit faciend & hactenus in casu consimili
fieri consuevit. Testi &c.

A writte de
Ex graui que-
rela is suche.

This wyrt lyeth where a man is seised
of certain landes or tenementes in fee
within a City, towne, or borough, which
landes or customes are devisable, and he
by his testament deuyle to a man & saide
tenementes, and dyeth, if hys heyre or
any other man entre in the sayde landes
or tenementes so deuiled, then the de-
uyle or hys heyre shal haue the sayd wyrt
againste the heyre of the deuylour, or a-
gainst any other man that abated, not
regardynge in what maner degre that
he is in, after the deuyle made, if the de-
uylour dieth, the deuile not annulled in y
lyfe of the deuylour. And knowe ye: that
this wyrt wyll neuer be pleaded afore &
kinges Justices, but all tymes afore the
Mayre, and the bayliffes of the City or
Borough, or afore the bayliffes where
there is no Mayre, or afore the bayliffes
of any towne, or afore bayliffes of fee, or
seignory where ther is such vsage. And
knowe ye: that no freeholde may be deu-
iled, but where such vsage is, for every de-
uyle of freeholde is againste the common
lawe, but the lawe suffers suche deuyle
to be made because of such vsage of so
longe tyme vsed. And the proces is
suche, that the tenannt shalbe somoned
to be afore the Mayre and the bayliffes
at a certaine day to shewe wherefore the
other

other ought to haue execution, and yf he
can nothing say againste hym, then the
demaundaunt shall haue execution.

Adidition.

Note ye what deuyles are good, and what not, and who shall deuyle, and of what thing, and who shall haue anauantage of the deuyle. M. 22. C. 3.

If land be deuyled to a man by testament wythout shewing what estate he shall haue, he hath nothing but for terme of lyfe.

Note ye: that the husband may deuise lande in fee or for terme of lyfe to his wyfe. M. 3. C. 2.

A woman may not deuise lande by her testament to her husband, for because she may not make testament but by the assent of her husbaunde, and that is the decreede of the husband to make estate to hymselfe, which is against the law. En. 3. C. 3.
Item Not

Land deuisable is given to the husband and his wyfe, & the heyre of theyr 2. ii. booyes begotten, & for default of suche yssue to remayne to the ryght heires of the husband, the husbaunde deuyled the samer remainder to his wyfe that is tenaunt in taylor, and dieth wythout issue betwixt them, this deuyle of remainder is good. En. 17. C. 3.
Li. ass. phio. xl

A woman seyled of certeyne lande deuisable take a husband and hath issue, and En. 19. C. 3.

Natura

the wyfe deuise the lande to her husband and dieth, now he shalbe iudged in, as tenant by the Courtesi, and not as tenant by force of the deuise, for the frehold beginneth in him afoze the deuise.

20.19.12.6.

A man deuised landes for terme of yers and deuised further that his executors should sell the reuercion and dyeth, the executors solde the reuercion wythout dede, for because that is but a contracte and the reuercion passeth by the auctorite of the deuise and the testament is the cause that the reuercion passeth, for yf a man make a priest his executor, and deuised that his executor shall sell the reuercion, that is good without dede, for otherwise it shall neuer take effecte, for a priest may make no dede that shall binde him and a fine hee may not leaue for that that he hath nothing in that.

20.5.C.3.

13.39.C.3.

A wyfe of the assent and wyll of her husband maketh a testamēt and deuised by the same, halfe the goodes of the husbande and maketh her executors, who proueth the testament by the assent and wyll of the husbande that is good deuise.

20.26.12.6.

If a man deuise land wherof he is not seysed, if after he purchase the lande, the deuise is good.

Nota.

13.7.12.6.

Note ye: yf lande be deuised to a man and to his heires males of his bodye, and he

he hath issue a daughter which hath issue a sonne, the sonne shall enberite, and yet or a gift other wise is.

Note ye that the king may not deuise land by testament, no; giue nothing but that, that he hath in possession, by 302. 29.37.6.6

Note ye: that executors may pay the debts, afore any deuise perfourmed.

It is saide, that there is diuersite be twixt a graunt and a deuise, for yf one deuise land to me for euer, or to any assigns for euer &c. and speaketh nothing of his heires &c. that are wordes of enberitaunce, yet the deuise is good to take effect in the deuise as a fee simple, for that that his will and entent shalbe taken in this case &c. C. 1. 6. 6.
29.18. 6. 6.

If a man deuise goodes and dyeth, the deuise may not take goodes without liuere of the executors. 29.37.6.6.

If a man deuise a booke, or any other thinge to one for terme of lyfe, and after his decease the reuercion to another for euer, if the executors deliuer þe goodes to the first deuise & after the deliuer the deuise dieth, then the second deuise may seise the goodes without liuere of the executors, for possession of the first is the possession of both, which was denyed by some men, therfore enquire the law. C. 37. 6. 6.

If two ioyntenantes are, and the one

P. iii. deuise

Natura

deupse al that, that to hym belongeth, to
a straunger & dyeth, thys deupse is boyde
Causa patet &c.

I wytte de
cōi custodia
p lach.

A wytt de Cōi custodia.
Rex viē salutem. Pzet A. quod iuste & sine di
latione reddat B. custodiam terre heredi A.
& C. que ad ipsū B. pertinet eo quod predictus
D. terram suam de eo tenuit per seruitium mili
tare ut diē et nisi scē, & predictus B. scē et tunc
sum &c. Tesse &c.

This wytt lieth where a man holdeth
landes or tenementes of another by
knyghtes seruice, and the tenat dyed his
heyre within age, a straunger entreth in
the landes and obtain the warde of the
body, then the lord of whom this land is
holden, shal haue the said wytt. And the
proces is in this wytt, Somons, Attach
ment, and two distresses & day shal begi
uen afore the second distress returned the
iii. shire courtes may be hold. And thys
proces is giuen by the statute of Westm
2. Capi. 35. which beginneth. De pueris
sive masculis &c. And wyth that agreed
Marl Cap. 7. which beginneth. In plito
vero de cōi custodia &c. As to the distress,
but not to the proclamation. And also wil
the sayd statute, that yf the defendaunt
come not at the proclamacions made in
the thre counties, the pleintiffe shal re
couer the warde for the tyme, sayyng
another tyme the ryghte of the de
fendaunt

Proces

sendant when he wyl speake. And also if
the warde belonge to the lord by reason
of a ward that he hath in possession, and
a straunger obtaine the same warde the
lord shall haue the sayd wyrt, but the co-
mon proces is, as afoze was vled in the
comon law, and the lord shall holde the
ward by reason of the ward vnto his ful
age, and this is the cause, for that that it
is a chatel in hym, and he is thereof sey-
sed, & he may not be put out of possession
afoze the ful age of the heyre. And know-
ye: that if the gardein make wast in any
part of the ward, he shal lose the ward &
ouer that he shall yelde damages to the
infant, and if the warde lost sufficed not
to the value of the damages afoze y age
of y heyre he shall make gre of y remenat
And that wyl the statut of of Glouc. ca. 5.
In the myddes which begynneth. Ense-
ment est puruen &c.

C A wyrtte de Entrusion de garde

Rex vlt salutē. Et i. d. fecit &c. tunc sum &c. B. A. wylt de Ch
lit. et hec D. qd sit coram &c. ostensū quare ch trusion de
custodia tert & hec ipsius D. ad ipsum B. vsque garde is lach.
ad legitimā etatem predicti hec pertinet rati-
one diuisionis quam B. de B. de quo predictus
D. terram suā tenuit per scrutiū militare, inde
fecit p̄dicto B. & eidē B. infra etatē exiētē se in
terrā p̄dictā intusit & custodiā illā a p̄dicto B.
ad huc detinet ab graue dampnū ipsi B. vt dicit
D. iiii. Et ha-

Et habes ad idem et hoc breue et. te. et.

This writ lieth wher the infant with
in age entred in his landes & holdeth
his lord out, the lord shall not haue the
foresaid writ de cor custodia, but this writ
of Intrusion of warde.

L. 1. 1. 4.

Addicion.
Note ye: that an Abbat shall haue this
writ of Intrusion of an Intrusion made
in the time of his predecessor, & he shall
make mencion in his writ that gre was
not made to his predecessor nor to him.

A writ for the valure of
the marriage.

A writte for
the valure of
the marriage
is such.

Rex vis saluē, S. H. fecerit de secut. et. tunc
Nun. B. filium. & hered. et. et. offens. quare cū
matrimonium predicti B. ad predicti A. pertinet
eo, quod predictus C. terram suā de eo tenuit p
seruicium militat & eidem A. predicti B. dum in
fra etate fuit competens matrimonium obtulerit ei
dem B. matrimonium censens prefato A. de mari
tagio suo, nec satisfactionem & satisfaccere cōtra
dicit ad grane damnum ip. ius A. & contra for
mam statuti predicti, ut dicit. Et habes et. et.
et. et.

This writ lieth where the lord profe
reth conuenable maryage to the In
fant wythout dispargement, and he re
fuse, the lord shall haue this writ, wher
by he shall recouer the syngle value of y
marriage et.

A writ of forfeiture of marriage.

Res

Rex. vid. salate. Si B. de A. fecerit et secus de A. wypte of
 clau suu et. tunc sum et. C. filii et hered. D. forfature of
 quod si et. offens. quare cum maritagium ipsius marriage is
 C. una cum custodia ducentarum acrat terre cu such.
 pertinet in B. ad ipsam B. pertineat ratione dunt
 homis. F. eu. B. cum dimisit de quo predict. D.
 terram spem tenet per serulcium qualitate inde
 fecit prefat. A. et eadem A. prefato C. dum infra
 etatem fuit competens maritagium absque vlla
 disparagatore, iuxta formam statuti de commu
 ni consilio regni nostri inde prouisi sepius ob
 tulerit, idem C. maritagium illud recusans vel si
 ne licentia et voluntate ipsius A. mortuus fecit et
 se in terram predictam prefato A. pro maritagio
 suo no. sat. sacro violenter intrusi de maritagio
 predict. eidem A. satisfacere contradicit, ad graue
 dampnum ipsius A. et contra formam statuti p
 dicti de dicit. Et habeas tibi sum et. teste et.

This wypte is given by the statute of
 Marston. Cap. 6. & lieth where the lord
 profereth Couenable maryage to the in
 fant without dispergement and he re
 fuse, and he being within age mary hym
 selfe, in this case the lord shall haue the
 wyte of Forfayture of maryage & recouer
 the double value. And if thys Gardeyn
 hath recouered the value of the maryage
 against the rausehour, if he profer to the
 heire a conuenient maryage and he refuse
 to be married, and after mary hymselfe, &
 lord shall not recouer the double value
 of the maryage, for that, that he toke the
 value of the maryage of the rausehour.

And

And if the heyre that is ransomed be mar-
ried without assent of the ransomment, &
after the Carden recovereth the value
of the mariage against the ransomment, in
this case y ransomment shall not have this
writ of Forfeiture of mariage against the
heire, for the heyre maye pleade that
he hath no right of the seigniorie, nor the
lord shall not have a writ of Forfeiture
of mariage, for that, that he hath recey-
ved the value of the mariage against the
ransomment. Note ys that some mens opy-
nions is that a writ of Forfeiture of mar-
iage, not the value of the mariage is not
giuen to the lord, wher he hath the land
in his hand, by reason of which he hath
the wardship, but if the heire abate in his
lande at his full age afoze that he hath a-
greed with the lord for his mariage, he
shall haue the said writ, for that is men-
tioned of in the writ, but in case that he
hath not the wardship of the land, he shall
haue the writ afozesaid, for there shalbe
no mencion made of the abatements of
the heyre into the lande.

Addicion.

14. 3.

¶ Land was giuen to the husbande and
his wife, & to the heires of theyr two bo-
dies begotten, and hath issue a sonne, the
husband dyeth, and after the wyfe dyeth
and the lord seys the ward, and profer
to

to hym marriage, the which he refuseth
and marieth himselfe, and at hys ful age
he entred in his land without greement
made to the lord, the lord brygeth a wyrt
de Quaresa intrusum in matrimonio non satisfacto, in y
which writ he did suppose that the defen
dant was heire to his father, where the
mother suruiued and the defendant plea
ded that, in abatement of the wyrt, and
y wyrt was awarded good: for that, that
it is in the personalty, & it is a personall
wronge made by him selfe to whiche he
ought to answer. And the Bardein shall
reconer the double value of the marriage

Writ de Ranshment de garde.

Rex hie salutem. Si A. de B. & C. v. et fecerit A. writte de
Rant ec. tunc pone ec. qd sit coram Justiciariis nris
ad prima assiam ec. ostensu quare A. filiu & he-
redem B. infra etate existentem cuius maritagiū
ad ipsos A. & C. pertinet apud W. inuentū raptū
it & abduxit contra voluntatem patorum A. & B.
& contra pacem nostram.

¶ Et si hec sit en eod comitat, tunc ad dat ista
clausula. Et interim diligens inquiras ubi ille
hec est in pall tua & ipsū ubique inuēt? In-
ter raptas & saluo & secure custod. ita quod cum
habeas ad placitū assiam coram placitis Justiciariis
vel coram nobis ad placitū finem, vel coram placitis
Justiciariis ad predictū diē ad reddendum cat
vel quibus diccorū A. & C. reddi debet. Et ha
beas ibi nomina pleg. & hoc bene teste. ec.

Ostensum quare cū custodia Juliane filie B.
nūc hec C. ad ipsū B. pertineat ratione vōdi
clomg

floribz qd. A. de A. de quo predictus B. terrā suā
sustenuit per seruitium militare, inde fecit eidem
A. predict. B. & C. predictam Julianam infra es-
tatem in custodiam ipsius A. apud A. erant vi
& armis rapuerunt & abduxerunt, & dona, & ca-
talla ipsi A. ab volent &c. ibide inuenit ceperunt
& alioz &c.

This writ lyeth in case wher any lord
is in possession of the wardship of the
land, and of the body, and a stranger ra-
uishes the body of the infant without any
other thing, then the lord shal not haue
the foresayde writ: de cor custodia: but this
writte of Raimentment or warde, that
supposeth the infant to be rauished with
force and armes. And for that the proces
is as is conteined in þ. foresaid statute, that
is to say, Domons, Attachement, and Dis-
tres, and for default of distress proces of vt
lāw, as in a writ of Trespas.

And note þe: that whē the beyre is ra-
uished in one county and broughte in a
noter county, thē the lord shal haue suche
a writ, the which is giuen by the statut,
of Westm. 2. Cap. 15. which beynneth
De pueris masculis, siue femellis quoz
maritadium. &c.

Ex hic laudem. Quæstus est A. qd. B. sup
ultum & heredē A. infra etatem & in custodia
sua apud A. in com. A. existent rapuit & de com
illo ad talem locum in com. tuo abduxit: contra vo-
luntatem ipsius A. & contra pacē nrām. Et ideo
tibi precipim⁹ qd predict. C. ubicūque in balliua
tua

tua inueniſſe poteris copias ſaluo & ſecur. cuſſod.
ita. qd. eſi habeas corā Iuſt. i. ſis tali die ad red
dendum cui p̄dictus A. & B. reddi debeat &c.

De herede abducto fiat tale breue Rex. et. D.
ſtenſum quare cū cuſſodia terrē & heredis ad
ipſam A. pertinet eo qd. p̄dictus D. terrē ſua &c.
Et eidem A. in plena & pacifica ſeſſina &c. p̄dic
tus D. filium et heredem &c.

And the proces is, as is aforeſaid in ꝑ Proces
wryt of Hauſhment of warde &c.

And note ye: that if anye man holdeth
any landes oꝝ tenementes of any lord by
knyghtes ſeruiſe & dieth, his heyre witha
in age, the ſame lord maye enter in that
warde of the land, & take the body of the
heyre. And if one tenaunt holde. ii. acres
lande ſeuerallye by ſeuerall ſeruiſes, the
lord of whom the land is holden by the
auncient feoffement ſhall haue ꝑ ward
of the body and that is gyuen by the ſta
tute of Weſtm. 2. Cap. 19.

And note ye, that ther is. ii. maners of
wryts of warde. The one is wher a man
holdeth of another, landes by knyghtes
ſeruiſe. The other where he holdeth in
ſocage. The wardſhip by knyghtes ſer
uiſe belongeth to the chiefe lord of the
fee. And the wardſhip in ſocage belon
geth to the next coſin, after the ſtatut de
wardis, to whom the heritage maye not
dyſcende. But in caſe, that the mother be
on lyue

on lyue and the heritage dyscende from
the part of the father, & the heyze be with
in age, the nother shall haue the warde-
ship aswel of the land as of the body, & in
the same maner shal the father haue & so
shall other colins and auncelours haue
And in case that the next frend be de-
forsted of þ ward, he shal haue thys wryt.

Rex viē salutem Pzeē J. qđ iuste ec. redd. B.
custodiā terrē & heredis A. que ad ipsū B. p-
tinet qđ pzedictus C. terrā suā tenuit in soca-
gio et pzedictus B. est propinquus heres ipsius
C. vt dĩt. Et nisi fecerit ec. Telle ec.

And if the heyze in Socage be rauy-
shed and not maryed, then the Gardeyne
shal haue thys wryt.

Rex viē salutem Si A. fecerit te ec. de ec. tūc
pone ec. B. qđ sit ec. coē Justitē ostens quare
cū custodē terrē & heredē C. vsq; ad legitimā etatē
ipsius heredē ad ipsū pertinet eo qđ pōit C. terrā
suā tenuit in socagio: & pzedict A. propinquior
est hēi ipsi C. infra etatē, & in custodiā ipsi A. ex-
istit apđ N. inueniē vi et armis cepit & abdux. &
alia enormia et ec. vt in bzēnt de Trāsgressione.

Alter qñ maritatur Rex. ec. vi et armis cepit
& abduxit ec. ipsum sine licentia & voluntate
ipsius A. maritauit ad grane ec.

And note ye: that a wrytte of Ransish-
mēt of ward for the gardein in Socage
is not gpyen by the statute of Westm. 2.
Ca. 35. which beginneth. De pueris. &c.
But for that, that þ statute of Westm. 2.
Ca. 24. is qđ querētes non recedāt a Cā-
celleat sine remedio: this wryt is gīuē by

the common counsell of the chauncery, and the writ was that he claimeth the ward hnto he come to full age, and the writte was alwarded good. Note ye: that garded ship in Soorage may not be solde.

And note ye that if a man may demaund the wardship in thre maners. One maner is whe a man demaundeth the wardship of the land and of the body by writte of Wyght of ward, as afoze is saide. The second maner is, when one tenaunt holdeth of two lordes, of the one by ppyortye and of the other by posteriozity: the lord of the posteriozity may not bring a writte of ward of the land and the body: for the body belongeth to the lord of ppyortye and there the lord of posteriozitye shal haue a writte of Electment de garde. The thirde maner is when a man hath the lande and not the bodye. Then he shal haue a writte to demaunde the body without the lande, and that by this writte of ransshment of warde.

And note in case where the heire hath ben in warde of the lord, & the lord wyll not deliuer to him hys landes at his full age. Then the heyre shal haue Aylse of Mortdaunceffour and recouer the lande with hys damages: after that: y he come to hys ful age. As it appereth by the statute of Parll. Cap. 12. which beginneth

Si heres aliquis &c.

And note ye: that if the infant be married in the life of his father, though he that after the death of his father he is with his age, and the wyfe of the heyre dyed, the lord shall not have the maryage for that: that he was one tyme married. In the same manner is if the lord marry the Infant and his wyfe dyed, he being wythin age, the lord shall not have the mariage another tyme.

It is said that there is gardein in right and Gardeine in dede, for if the Gardeyne in dede let the lande to a straüger for yeres a wyte of Dowry, or a wyte of warde is not maintainable against hym, but agaynst the lord. Otherwyse is, wher the Gardeine in right, or Gardein in dede, letteth his estate withoute wytyng unto the full age of the Infauit, in which case the wyte shall be maynteyned against those leses.

And note: that if the heyre hath ben in ward, he shall pay no reliefe but wher his aücessour held of the kinge by knightes seruice, or by fee ferm, y^e paieyth knightes seruice. the king shall haue the warde of all the landes & the body, and when he cometh at his full age, he shall paye reliefe to these other lordes, after the quantitie of his tenure, as it appereth by the great Char

Chartour, cap. 2. But the heire in Frāk Socage, when he cometh to his full age after the death of his auncestour he shall double the rent þ he was wont to pay to þ lord & that shall be in place of relife. As it appeareth by the statute de wardis: et releuiis. Capitulo primo.

Note ye: that Socage may be saide in thze maners, that is to say, socage of fre tenure, Socage of auncient tenure, and Socage of base tenure. Socage of free tenure is where a man holdeth by free seruice of. xii. d. by yeare for al maner of seruice, or by other seruices yearely. And in this Socage the next colin to the Infant to whome the heritage may not disceind, shall haue the ward as it is aforesaid. Socage of auncient tenure is of land of auncient demcane where no writte originall shalbe sued, but the writte of Right, that is called *Secūdū consuetudinē manerii*. Socage of base tenure, is of those that holdeth in socage, & may haue none other writ but the *Monstrauerūt* & such Sokmen holdeth by no certeine seruice, & for that are they not fre Sokmen.

A man shall haue a writ of *Wauishe-*ment of warde of the body notwithstanding that hee was neuer in possession of the body: for maintainant after the death of his tenaunt, the heire beinge within

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age, the possession of him is adiudged in the lord by the acte of the law,

If a man make a feoffment by dede, or by fine of landes holden by knightes service, or suffer any recouere against him to his vse by trust & dieth, his heire shall pay reliefe if he be of full age and that by the Statute of En. 4. H. 7. ca. 7.

Also if the tenaunt in Socage make feoffment to his vse, the lord of whō the lande is holden after the death of his tenaunt, whereof no will is declared, shall haue his reliefe & thereof & all other duties, as he ought to haue had, if the tenant had died seised. And that by the Statute of En. 19. H. 7. ca. 15.

¶ Addition.

Ed. 2. H. 4.

In a writte of Rauschement of warde &c. It was saide that if the tenaunt of a bishop die, his heire within age, & after the bishop died and seise not the Infant in his life, the successeure maye seise, or haue a writte of Rauschement of warde And it was saide, y it is no plee in a writ of Rauschement of warde to say that the auncetour of the infant helde not of him, for whether he holdeth of him or not, it shall not be lawfull for no man to rause the warde from him without affirminge title in him selfe.

Ed. 10. C. 3.

In a writte of Rauschement of warde, the

the plaintife declareth that the father of the infant holdeth of him a manner by knightes seruice in S. & c. and y^e the defendant hath him rauished, & in the writ the infant was made heire to his father, by cause y^e the father died seised of the sayde maner in his demeane as of fee. And the defendant alledged y^e the grandfather of the infant dyed later seised. &c. so oughte he to haue bene made heire to the grandfather, and not to the father, & that was no plee without shewing that the grandfather died later seised by litle, for it may be that he was in by abatement, and after the issue was taken, that the grandfather dyed later seised of fee, withoute that, that the father died seised of fee, and the plaintife maintained that the father died seised of fee. &c.

CA writ of rauishment of warde was T. 8. C. 1. brought against. iiii. men & a womā: the enquest saide y^e the men were gilty of the rauishment, & not the womā, but that she married the infant to her daughter, & for that was shee likewise adiudged gylty, as the other were, and y^e plaintife recovered the value of y^e marriage without damages, & they awarded to prisō by the statut of West, 2. Ca. 1. And it was demanded of the plaintife if they wer sufficient or not, and he said that they wer:
D. ii. 107

for otherwise they oughte to be awarded
to perpetual prison, or abiured the lande
by the same statute.

A writ de Electione custodie.

A writte of E:
lectione custo
die, is suche

**Ex viē salntē. Si. A. fecerit &c. tunc sum per
bonos &c. B. qd sit &c. tali die ostensuē quare
custodia terre &c. heredi D. vna cum maritagio
vsque ad legitimā etatē eiusdem heredi ad ipsum
A. pertineat pro eo quod predictus D. terrā suā
tenuit de eo per seruic. militare. Et idem A. in
plena et pacifica illa eiusdem custodia diu exten
derit predictus B. ipsū A. a custodia illa vi & ar
mis eiecit ac bona et catalla sua ad valentē C. s.
apud D. inuenit cepit et asport & alia enormia &c.
et contra pacem nostram &c. teste &c.**

**This writte lieth where the lord is put
out of the wardship of the land that he
hath in his possession, than the lord shall
haue the said writt against him that put
teth him out. And know ye y this writte
of puttinge out of the wardship lyeth at
al tymes, when the lord is put out of the
wardship of the lande without the body
And a writte of raiſhment of warde ly
eth where the bodye is raiſhed wyth
out the lande. And a writte of righte of
warde lyeth where he is put out of both.
And it is saide, that the Cardaine in Sa
rage may maintaine this said writte, and
a writte of raiſhment of warde, but not
writte of Righte of warde. By the Re
gister a manne maye haue a writte of
Right of warde, and also a writte of Ra
iſh
nith,**

rauisement of ward by reason of a warde,
 And know ye y^e i a writ of right of ward
 the proclamacion shall not be made afore
 the great distress returned, but in a writ
 of meane in the grcate distress, it shall bee
 commaunded to the shirife that he make
 the proclamacion, as is geuen by the sta-
 tute of west. ca. 9. whiche beginneth. *Cū*
capital dñi. &c. And also by the same stat
Cap. 35. whiche begineth. De pueris. &c.
 will that in a writ of right of warde pro-
 clamacion shall be made by defaute of the
 defendaunt, but by the same statute in a
 writ of rauishment of ward by de:aute
 of the defendant he shal make no procla-
 macions, but all times a distress. And al-
 so knowe ye: that gardein in socage, is ac-
 comptable at the full age of the Infant
 as it is saide in a writ of accompt, that is
 to saye, at. xxi. yerres, and not afore, but y^e
 infant shal haue his lande in his owne
 hādes when he is of y^e age of. xiiii. yerres. *Note*

And note ye: that of landes holden by
 knightes seruice, the statut of Marl. ca. 6
 whiche beginneth. *De his autem. &c.*
 wil y^e where the heire is infeoffed, being
 wⁱn age by his auncestour, that the lorde
 shall not lose the wardship by reason of
 such feoffement made by suche Collusiō.
 And also by a feoffement made vpon con-
 dicion by the auncestour yelding to hym

and to his heires a grete some of money
vnto a certain terme, at the endes of whiche
the terme the heire maye be of full age, &
than to entre into the lande, in this case
the lord shal not lose the wardship, if hee
may proue by his writ of righte of warde
that the tenant made the feoffment by
collusion, and if he prouer to proue by the
country, & by witting, that the feoffment
was made by collusion, he shal be recei-
ued. It is saide that yf landes be let for
terme of lyfe & remainder to another in
fee, & he in the remainder died, his heire
withyn age, the lord shal not haue the
wardship of him during the life of the te-
nant for terme of life, but if the tenaunt
for terme of life die, the heire being with-
in age & enter into the lād by force of the
remainder, now the lord shal haue the
wardship: for that, that he is as heyre to
his father. And in case yf a man let landes
and tenementes to another for terme of
life sauinge the reuerſion to him and to
his heires, if the lessour died, his heire
being withyn age, the lord shal haue the
warde and marriage of the heir, notwithstanding
that he hath estate for terme of
life, to holde of the chief lord of the fee.
And also if land be giuen to two, to the
one in taile, and the other for terme of
life, if he in taile dye hys issue beyng
with

within age, the lord shall not haue the warde of the bodye: for that, that the tenant for terme of lyfe is tenant to þe chief lord, but after the death of the tenant for terme of lyfe the heire being within age, hee in the reuerſion shall haue the wardship and not the lord. If the father be seised of certayne lands and tenements, and hath issue a daughter within age that is his heire, and mary her to a man of full age, and d. ed, the lord shall not haue the wardship: for that, that the husbände is able to make the seruices due by reason of the lande. But in case that a mā mary his daughter beinge of full age to an infant & died, in this case þe lord shall haue the wardship, for the wife maye make no seruices during the mariage: quere.

And note ye that all writtes of warder: **Quere** cept this writ of putting out of the wardship, maye be pleaded in the county: and remoued into the comon place by a pone.

And where the statute of weſt .2. cap. 16. which beginneth. In casu. &c. will that if landes disceñd from the parte of the father holden of one mā, and other landes disceñd frō the parte of þe mother holden of another man, that lord of whōe the land is holden by the firste feoffement shall haue the wardeshippe and the mariage, but the tenaunt by his feoffement maye

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chaunge the prioritie & put into the posterio-
ritie. But it is said if a man come to
diuers lands holden of diuers lordes by
one feoffement, he that first may obtaine
the warde of the body shall haue it, but if
landes be holden of the king by knights
seruice, he shal haue the wardship aswell
of the landes holden of other lordes by
knights seruice, as of anye other landes
holden of himselfe, and also shall haue y
marriage, hauing no regarde to the prio-
rite, nor to the posterio-rite. As it appea-
reth by the kinges prerogative. ca. 1. And
note ye: y it was iudged for the Earle of
Warwike. An. 29. E. 3. where the Earle
was seised of an Infant & of his landes:
for that, that his auncestour died in hys
homage, where other landes was discen-
ded to the same Infant by another aun-
cestour that was holden of the kinge by
prioritie, or posterio-rite, in the one case,
or other the king shal not haue the ward-
ship of no landes, but of such landes hol-
den of him selfe, nor the wardship of the
body, & the cause is: for that, y the Earle
was seised of the warde at one tyme by
true tytle. And know ye: that if anye tes-
naunt died seised of any landes holden by
posterio-rite, the lord of whome the lād
is so holden obtaineth the wardship of y
body: if after other landes discende of the
same

same Infant, that are holden of another
 lord by p^{re}io^{ri}tie, the lord that first ob-
 teined the warde shall not be put out of h^{is}
 wardship by him of whome the auncestor
 of the heire hold by p^{re}io^{ri}tie: for y^e. that it
 was a chatel one tyme in the possession of
 the lord of whōe he held by posterio^{ri}tie.
 And note ye y^e if two coperceners bringe
 a writ of warde and the one wil not pur-
 sue, the other shall be receiued to pursue
 her right of the halfe of the land, and the
 whole body, otherwise is in all maner of
 accions personalles, as trespass, Dette,
 Couenaunt, or such like, the not suing of
 the one, shalbe the notsuinge of the other
 And note ye: that if an Infant be rauy-
 shed and married by the raiusher to one
 wher by he is disperged, he may forsake
 his wife if he hath not knowen her car-
 nally befoze the age of. xiiii. yeres,

¶ Addicion.

Note ye: that these wordes were in the
 said writ. *Quare custodiam terre et heredis*, and
 it was challenged, for this writ properly
 hath relacion to the lande, and hee maye
 haue another writ for the body, and not
 withstandinge the writte was awarded
 good.

Note ye: that this saide writte was
 brought of land & rent, & was chalenged
 for

E. 2. C. 1.

H. 13 C. 3

Natura

foz that: h rent may not be holden, foz h
 Peane is tenaunt of the lande hauing re
 gard to his lozde & of him hee holdeth the
 lande, and not the rent, foz this wryte of
 Ward, Escheit, Cessauit, are not giuen
 of rent, but after of good will the defen
 dant passeth ouer. *Ides quere.*

D. II. C. 3

In this writ of puttinge out of the
 wardeship by reason of a deuise, suche a
 clause was in h writ. *Et blada sua apud*
H. nuper cresset inuener & blada illa ac oia
alia bona et catalla ibide, inuener ceper et
asportauer contra pacem, & foz h, h this
 writ was graunted vppon the right of h
 seignorie, & within the same an action of
 trespass against the peace comprehended so
 is there comprehended within the same
 action. ii. actions of diuers notures, wher
 foz the writ abated.

7. 7. B. 6

If an infant being aboue the age of
 xiiii. yeares, make affiaunce in the life of
 his ancestour, & after his ancestour died
 notwithstanding this affiaunce, the Lozde
 shall haue the mariage. Also if the infāt
 be married in the life of his ancestour &
 the ancestour & she to whom the infant
 was married died, the infant being withi
 xiiii. yerres: the lord shall haue the mari
 age, other wise is if he were paste the age
 of xiiii. yeares at h time of h death of his
 ancestoz, oz at the time of the death of her
 to

to whō he was married, for by the taking of the second wife he is made bygamus to which the law wil not constrain him but if the infant be married by the lord, and she to whome he is married oyerh he beig vnder the age of, xiiii. yeare: quere if the Quere. lord shall mary him another tyme.

If the tenant that holdeth by knightes seruice enter into religion his issue vnder age. quere if the lord shal haue the wardship during the naturall life of the father for such doth maketh no discent, that taketh alwaye any mannes entre, nor suche death intituleth no womā to haue dower during the natural life of the husbāde.

A writ of Escheite.

Rex vñ salutem Dñe. B. qđ iuste et sine dilat. I writte of Redd. C. magnas terre cū ptin in p. quas B. d. Escheit is eo tenuit & que ad ipsū C. reuerti debēt tāquā escheata sua, eo qđ predictus B. ballardus fuit & obit sine hered, vt dñe ex. alit rōne felonū quas de eo tenuit et ad ipsū C. reuerti debent tanquā escheata sua eo quod predictus B. felon fecit p qua suspensus fuit vel vitlagatus fuit vel sic, p qua regnum nostrum abiurauit. Et nisi fecerit tunc sam ec. teste ec.

This writ may be formed in many maners: for if the very tenant of any lord that holdeth any tenement of him without Dñe make felonye, for the whiche hee is hanged, or forswere the kynges lād, or if he be beheaded, or outlawed or vanquished by battayle to death, or if he

Natura

Proces

he be ballarde & dye without heire of hys
bodpe, or dye withoute heire generall, or
speciall, than if anye man enter in those
lāds or tenements, the chiefe lord of whō
he holdeth after a yere & a daye of the fe-
lony made maye recouer the tenementes
aforesaide by this writ of escheite, accor-
ding to his case, as it appeareth in the re-
gistre. And the proces is in the writ. So-
mons, graund cape, and petit cape. And
against the Furrours *venire facias*, *Habeas cor-
poris*, and distresse. But if the tenaunt in
taile, tenant in dower, tenant by the cur-
tesy, or tenant for terme of lyfe, make fe-
lony, for the whiche he is attainted, as is
aforesaid, the king shal haue the Eschete
during theire liues, & after theire dethes,
he in the reuerfion, shal sue to the kinge
by petition, and shal haue the saide lan-
des out of the kinges handes and not the
lord by way of Eschete: for that, that the
said tenantes are not very tenātes to the
lord, for none is called verpe tenaunt, but
tenant in fee simple. For he in the reuer-
tion may not haue the lande during the
lyfe of such tenauntes for that, that the
lande is giuen to them by the lawe du-
ring theire liues without anye suche for-
faiture to him in the reuerfion, but the
kinge shal haue the lande as aboue is
saide, for the haynouse acte commytted
against

against his law. And note ye: þ in Magna Carta. Ca. 22. which beginneth Nos non tenebimus. &c. wil þ if the tenaunt in fe simple make felony &c. The king shal haue the lādes for a yere and a day, and after to be yelded to the chiefe lord Immediate. And by the kinges prerogative Ca. 17. will that the king shal haue such landes for a yere & a day, & after the tenementes shalbe wasted, & destroyed, that is to saye, houses, gardens, woodes, & euery other thing belonging to the sayde tenementes, and after they shal be deliuered to the chiefe lordes, except those tenementes that are in Gloc. Kent, & Gauekind that are by custome, for those tenements shal reuert to the next heire as no felony had ben made. And note ye that if tenant in fee simple be attainted of felonye and died, his wife shal not be dowed, nor his heire enherite: but if the tenāt in taile be atteinted of felonye and dyed, his heire shal inherite: for that, that hee is helped by the statut of Westm. 2. ca. 1. that will that by dede, nor by feoffement, the heire in taile shal not be barred, but in þ case, the wife shal not be dowed: for that, that she hath no acciō at the comon lawe, nor yet helped by the statute.

Note ye: þ where a man is outlawed Nota
for felonye euerye accion that he hath for
cattels

cattelles, goodes, & enheritaunce, & right
 is extinguished in hys parson, & he is not
 answerable, but if he purchase his char-
 tour of pardon & purchase other landes af-
 ter in fee, it is saide that his issue shal en-
 herite, but if his heire doe a felonye, & for
 the same outlawed in the lyfe of hys fa-
 ther, and after the death of hys father he
 purchase his chartour of pardon, yet hee
 shal neuer inherite, for that, y^e the blode
 betwixt him and hys father at one tyme
 was corrupted. And note ye, that if a mā
 be outlawed for trespass he shal neuer be
 answered in anye accyon parsonall vnto
 suche time he hathe purchased hys char-
 tour of pardon, but in any plee real to say
 that he is outlawed for Trespas, that is
 not to the accyon, but to y^e parson, as ex-
 comungement is. And note ye: that a mā
 shal not haue his chartour of pardon for
 parsonal trespass allowed, excepte he sue
 a *scire facias* out of the recoorde againste the
 party, at whose suit he was outlawed o:
 knowe wherfoze his chartoure of pdon
 shoulde not be allowed and that is geuen
 by the new statute of E. 3. An. 5. Ca. 12.
 And note ye, y^e if a manne be beheaded
 for felonye by iudgement, the lord shal
 haue a writ of *Escheit*, and shal say y^e he
 was hanged, & it shalbe no trauers to saie
 that he was not hanged, & that was iud-
 ged

ged in the parliament. An. 8. C. 3.

Addicion.

In a writte of Escheite, the writte was challenged: for that, that hee supposed, y^e **P. 46. C. 3**
 he that made the felony held of the father
 of the demaundaunt whose heire he is,
 where the writ should be: *Quod de eo tenet*,
 for that, that after the death of his aun-
 cestour whose heire he is, he was tenant
 to him because of the seignorie descended
 and not allowed.

If a man holde to acres of lande of a **C. 14. D. 7**
 man by severall seruises, and died with-
 out heire, it is conuenient for the Lorde
 to haue two writtes, and if a man holde
 of me. x. acres of lande, and afoze the sta-
 tute he make a feoffement of one of them
 to hold of him by. vi. d. and dyed without
 heire. I shall haue a writ of Escheit sup-
 posing that he holdeth of me. ix. acres &
 vi. d. of rent and yet in dede he holdeth y^e
 land of me, and the cause is for that, that
 they of the chauncery will not graunte a
 writ of any for me.

In a writ of Escheite, it is no plee for **M. 2. D. 4**
 the tenaunt to saye that he, that the dese-
 daunt supposeth to be seised, that he died
 not seised of the lād, but it is a good plee
 to say that he died not his tenant, & that
 that issue shall be taken vpon that.

And by the same reason may he say, y^e **M. 37. D. 6**
 he

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he holdeth not of him.

E.3.E.2.

In a writ of Eschete it is not conuenient for the demaundant to shewe in his declaracion for what felony his tenaunt was attainted.

M.14.E.3.

And if he shewe any record to proue the attainder, and errour is in the recorde, it is not materiall.

H.34.E.3

If my tenaunt be iudged to be hanged and after is deliuered to the ordinarie, I shall haue a writ of escheite.

M.13.E.2

In a writte of Escheit, the defendaunt may make discēt from his auncestour to hym.

H.33.E.3

Note ye: that if rent ser uice be gyuen in taile, and the tenant in taile discontinue in fee, and the tenant attourne and died without heire, so y the lande eschiet to the discontinue the tenant in tail died without issue, the donour shall haue a writ of Eschete, and not a Formedon in the reuertour.

H.13.E.3

E.11.H.4.

By the oppinion of Barñ and Trew, that a writ of Escheit lyeth not of rent, & that appereth in a writ *de Electione custodie*.

H.4.3.10

H.6

In a writ of *Quare se intrusit maritagio non satisfacto*, the oppinion is that a rent lyeth in tenure.

M.26.E.1

The lord and the tenant are, the tenāt let his land for terme of life yelding certaine rent, the tenaunt hath issue and dyed

dyed, the lesse payed to the heyre, and the heyre payd the seruices to the lord, as his tenant and make felony: for the whiche he is hanged, the lord shall haue a writ of Eschepte: for that, that he was seysed by the handes of him that was attainted as by the handes of his very tenant.

Note ye that if the disseisy be attainted **E. 6. D. 72** of felony, the lord may enter in the land.

A writ de Conuentione.

Rex vic salutem. Precipit A. qd iuste &c. teneat **A writ de conuentione. is**
B. conuentionem factam inter ipsum A. & B. patrem p'dicti B. cuius heres ipse est de vno meo **suche.**
 &c. vel sic inter A. patrem vel matrē, vel fratrem **proces**
 vel sororem, auunculum, amitam, vel cōsanguineum p'dicti A. cuius heres ipse est, Et C. patrē
 p'dicti B. cuius heres ipse est. Et nisi &c. tunc
 sum &c. teste. &c.

This wytte lyeth where couenaunt is made by indeture sealed betwixt two parties, and the one of them holde not couenant, than he that feleth hym greued shall haue y sayd writ. And also yf lands or tenementes be lette for terme of lyfe, or for yeres by indenture, if the lessour put out the ternaunt, or if the ternaunt perfourme not the couenauntes, he that feleth hym greued, shal haue y said wytt. And note ye, that no writ of couenaunt shalbe meinteined without writi g. And the proces is **Soinōs**, **Attachement** and **Distres**, vntil the party come, for default

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of distress proces of vtlawse. And þ writ of Couenant may be pleaded in the countie, or befoze the Justices of the common banke, and may be pleaded by the same delays, as a writ of trespass may. And note ye: that a writte of Couenaunt lieth not but betwixte those that are parties to þ covenant, or theyr heyres or their assignes, as the writ will.

¶ Addition.

H.46.C.1.

¶ Note ye, that this writ ought to be, þ the defendant ought to holde couenaunt of so much lande, and not generall as of al the landes let to hym, & þ writ of Couenant for leuying of a fyne, the writt shal be certain of what lande.

H.47.C.1.

¶ In couenaunt the writte was to hold couenāt of a mesuage & .C. acres of lāde in þ. and þ indenture was of all þ lādes and tenementes in þ. the writte dyd not abate for the variaunce.

R.17H.6.

¶ Note ye, that if a man lette landes in Wydd by indenture that are in another countie, yf the lesse be put oute, he shal haue this action of couenante where the lease was made, or in þ countie wher the land is, notwithstanding that the dede beareth date where the lease was made.

E.15.H.6.

¶ Note by the opinion of the court, that a writ of Couenaunte lyeth not of freholde, if it be not of a special matter shewd

wcd

swed, as if a disseisour let landes to me wth
warrant & binde him by indēture, that if
the disseisour enter and put me oute, than
I shall haue a writ of couenant, but if h^e
lesseur or anye other y^e hath no right put
me out, I shall haue a writ of Trespas.

C Note ye: that in London a man shall **C. 17. h. 61**
haue a writ of Couenant without wry-
ting by the custome.

CA writ de Dedimus potestatem
de fine leuanda.

Rex dilecto et fideli suo A. d. B. salutem. Cum bñe
nrm de conuentione per. drat coram vobis et
soz vrs &c. inter w. & h. d. x. acris terre cñ. pertiñ
in p. ad finem inde coram vobis in eodem bñco
secundū legē leuand &c. ac pñat⁹ w. adeo sangui-
bus sit, & senio confract⁹, qd̄ vsque westm̄ ad diē
in bzem pñdicto contentū absq; maximo corpo-
ris sui piculo veniñ nō possit ad cogn̄, que in hac
parte requiritur faciendū vt accipimus nos statū
eiusdem w. compacientes in hac parte dedimus
vobis potestatem recipiendū cogn̄ quam pñdict⁹
w. fac̄ voluerit in pñmissis. Et ideo vobis man-
damus, quod ad pñfatum w. personaliter accede-
tes cognitionem suam recipiatis. Et cum eam
receperitis pñfat̄ socios vros inde sub sigillis
vris distincte & aperte reddatis certiores: vt tñc
finis ille inter partes pñdictas de terris pñdictis,
in eodem banco leuari possit secundam legem &
cons̄ regni nostri. Et habeas &c. teste &c.

A writte de
dedimus po-
testatem de
fine leuanda
is such.

Thys writte lyeth in case where two
men are agreed to leupe a fyne in h^e
kinges courte, and the one of the par-
ties is so sieble that he may not trauayle

B. ii.

than

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than he may purchase thys wryt out of þe Chauncery to one Judge, or to. ii. or mo, or to one seriant sworne to the kinge, rehearsing how the wryt of covenant hangeth betwixt the parties, & he that hath pursued this wryt of *dedimus potestatem*, is so feeble that he may not trauayle &c. for to make the recognisaunce betwixt them, and that the iudge in hys proper persone goe to þe party that is so feeble to receue the recognisaunce, and to certifie the iustices of the common banke, and whan they are comen with the recognisaunce into the court, that the sayde syne shalbe ingrossed and inrolled. And in this wryt is no proces, but wher such iustices hath receiued the recognisaunce in the maner aforesayd, and wyll not certifie theyr felowes of the said recognisance, than the party that hath made the recognisaunce may haue a wryt directed to þe same Iustices commaunding them that they certifie theyr felowes of the same recognisance vnder theyr scales, and to haue another wryt directed to the Iustices of the common banke, that they receiue the said recognisaunce of them, as it appeareth by the Register.

¶ A wryt de Contributione facienda.

A wrytte de
Contributione

Rece. Margarete B. bel balliua Margarete
Re B. de B. salutem Cum de cōi consilio regni nostri

hi nostri prout sit, quod si hereditas aliqua, de ne facienda is
qua vnica tñ fiat secta p heredit illa sicut prius such.
consuet fuit ad hoc fiat debita cōtributio ad ejus
dem ac w. M. de M. custodi. scolarium de M. ali-
is quā plus vendider terras & tenementa sua M.
de quibus vnica secta tñ ad curiā pdictā de M.
debitur: sicut idē custos nobis mōstrauit, vobis
scipm⁹, qd non distringet custod nisi pro por-
tione sibi & p̄feto scolat cōtingent de terris & te-
nimentis p̄dictis ad superalem sectam faciendā
ad curiam p̄dictā vel ad cū p̄dict dñi nostri
de M. contra formam p̄uisionis p̄dictę teste.
et.

CA Writ de Assisa noue dis-
seisine.

Rex vñ salutē, Quod est nobis A. quod B. A writte de
iniuste & sine iudicio disē cum de libero tenementis assisa no. dis.
mento suo in M. post p̄uisionē transse domini M. is such.
regis filii regis Johis in Mascon. Et ideatibi
scipm⁹ qd si p̄dictus A. fecit te secus de clam
suo p̄tē tūc fac tenement illud relesit de catall
que in ipso capf fuerit & ipm tñ cū catallis esse
in pace vsque ad proximam assisam cū iustis nos-
tri in p̄tes illas venerint. Et interim fac. p̄tē
liberos & legales homines de vñ illis videt tñ
illud sum quod sint coram p̄fatis iustis nostris
ad p̄latam assisam parati inde facere recogn. Et
pone per vad & saluos pleg. p̄dict B. vel bali-
um suum si B. ipse inuentus non fuerit, qd tñ
sit ibi ad illā recogn. Et habeas ibi sum nomina
pleg. hoc breue tene et

CA The patent of the same writ.

Rex et Dilectis et fidel suis A. B. & C. salu-
tem. Sciatis quod constitimus vos Iustis
nostros vna cum hiis quos vobis alio ad assisā
Hone disseisine capiend quam A. arrā corā vo-
bis

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his per breue nostrum veritas B. de tenementis in
 J. Et ideo vobis mandamus, qd ad certos diem
 & locum quos ad hec prouiderit is a iusticiam illam
 captatis facturi inde qd ad Iusticiam pertinet secu-
 dum legem & consuetudinem regni nostri salutis
 nobis amercementis inde prouentibus. Et
 enim vult nro S. qd ad certos diem & locum quos
 ei Scire facias a iusticiam illam coram vobis venire
 facias. In cuius rei testimonium has litteras no-
 stras fieri fecimus patentes teste ec.

This writ lieth where a man is dissei-
 sed of his free hold. s. of landes tene-
 mentes, rentes, common of pastures o2
 suche lyke that he holdeth for terme of
 life, fee taylor o2 fee simple, o2 wher he
 hath land o2 tenement that is deliuered to
 hym by vertue of a recognisance of y^e sta-
 tute marchant, o2 by the statute of the
 Staple, o2 by Elegit, as it appereth by y^e
 statute of marchantes, o2 by the statute
 of the staple. An. 27. C. 3. Ca. 9. And by y^e
 statute of West. 2. Ca. 18. than y^e disseis-
 shall haue y^e said writ against the dissei-
 four, o2 against whosoener is in posses-
 sion (liuing y^e disseisour) and it is necessary
 that y^e disseisour be named in the writte
 o2 otherwys the writte shall abate, and
 that is geuen by y^e same statute of West.
 second. And note ye, that if the Cardyne
 o2 the chiefe lord make a feoffment to
 any man, of the lande that is of the heri-
 tage of hym that he hath in warde to the
 dissei-

disenheritaunce of the warde, the warde
 maytennant may haue the sayde wytte
 and whā the land is recouered, it shalbe
 deliuered by the Iustices to the next frēd
 of the infant, to whom the heritage may
 not discende, and to aunswere the heyre
 of that profit of the land whan he cometh
 to his full age, as it appeareth by
 the statute of Westmynster. 1. Cap. 47.
 which beginneth. Si Gardeyn. &c. And
 loke the statute of west. 1. Ca. 36. whiche
 beginneth. Puruen est ensemēt & accoꝝd
 &c. how a mā shalbe punished foꝝ disseisō
 with robbery. Also if y^e Escheytour, Shy-
 rife, oꝝ Bayliffe of the kinge disseise a-
 ny man by colour of his office without
 speciall warrante oꝝ commaundement
 of the king: the disseisie maye recouer by
 the sayde writ, and recouer double dama-
 ges: as it appeareth by y^e statut of westm
 1. Capitulo. 24. whiche begynneth. Pur-
 uen est ensement que nul Eschetour. &c.
 And in what cases that this writte lieth,
 looke the statute of Westm. 2. Capitulo
 25. which begynneth. Quia non est ali-
 ud breue &c. And howe and in what tyme
 this writte shalbe taken, and loke y^e sta-
 tute of west. 2. Ca. 30. which beginneth:
 Assignemēt de cetero duo Justic. &c. And
 in Magna Carta. Cap. 12. which begyn-
 neth. Recognitiones de Pouel disseison.

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Proces.

And looke the newe statut of C.3. An.2. Ca.2. & 6. And in y^e statut of Fines. Ca. 4. which beginneth. Item cū statuimus &c. And in the statute of Pozke Capi.3. which beginneth. Quod cōe sil soyt cōtūs &c. And the proces in this writ as At tachment against the party, Somons, Habeas corpoza & distres against the iurours vntil they come. And note ye: that free holde is called, wher a man holdeth land oꝝ tenemēt in fee symple, fee taylor, oꝝ soꝝ terme of lyfe at the least.

Addicion.

M.26.7.6.

In assyse the writ was pone per radium & saluos pleg. predict J. vel ballium suū, q^d sit ibi auditur &c. where it shoulde be q^d tunc sibi, and the courte was in opiniō on to abate y^e writ, wherfoze the pleintif was non suite.

An.44.11.aff.

Assyse was bzought by the husbände & the wyfe, y^e parties wer at issue, but not of the poynt of the assyse, and was founde foꝝ the pleyntifes how the wyfe was disseised afoze the mariage, & that the housbād had nothing, so the writte was false disseisuit eos, and notwithstanding the playntife recovered.

An.24. C.3.

1.b.aff.

Placito.9.

If there be. iiii. soyntenantes, & ii. disseise the other. ii. all foure bzought assise against. ii. of them that wer disseisours, and the writte was disseisuit eos: so the writ

Writte supposeth that y two disseisors disseised themselfe, & notwithstanding y writ was awarded good. And if. ii. ioynt tenants are disseised by a stranger, and after the one come to the tenancy by purchase, if the other will recouer, it beho- ueth y bothe be nanied, soz that, that the woordes of y writ may be true qd dissei- suit eos. But when one iointenant put- teth oute the other, this woorde dissei- uit eos is false, soz y one may not disseise himselfe, therfore he shall haue a writ in his owne name.

In assise, the tenant sayde y the playn- tife is hys byllayne. Judgement &c. the playntife sayd that he was free &c. and it was founde that he was free, but that he was neuer seysed of suche estate that he myght bee dysseised, the pleintife sayde: we are at issue out of the poynte of assyse that is founde soz vs, therfore they nede not to enquire but of the damages, and after it was awarded that he should take nothing by hys writ.

And note ye that assyse maye be taken in. iiii. maners. s. at large, in the poynte of assyse, out of y poynt of assise, & righte of damages. Assyse at large, is whan an infant bzingeth assyse & the dede of hys auncestour is pleaded, thā thassise shal be taken to enquire at large, that is to saye
if

A. 31. C. 3.
L. 1. ass.

Nota.

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if his auncestour was of full age, of good
memoꝝ, & out of prison whan he made þ
dede. Assise in poynt of Assise is, whā the
tenant pleadeth no wzong noꝝ no dissei-
son. Assise out of poynt of assise is, whan
the ternaunt pledeth a fozeyn release, oꝝ
fozeyn matter tryable in another coun-
tie, than the Judges shall put the record
in the common place to trye this fozeyn
plee, & whan that is tryed, they shall send
again the assise. And in ryghte of dama-
ges is, whan the tenant confesseth a put-
ting out & demurreth in law, the whiche
matter is iudged against hym, nowe the
assise shall be take in right of þ damages.

In. S. C. 2.

Note ye, if the Gardeyne of an infant
take a leoffement of the infant being in
hys warde, the infant shall haue assise &
the Gardeyn shall be iudged a disseisor &
committed to prison if it be found.

Note.

If my tenant be attainted of felony, &
the king graunt the yere and the day to a
straunger, if the straunger be disseised, I
shall haue assise, by al the court. And note
ye that seyson of fealtie is no seiso of the
rent wherby he may of that haue assise.

D. 44. C. 2.

If the tenant plede a ple in barre, and
the playntife make tytle and trauers the
barre, though the tytle of the playntiffe
be false, yet the ternaunt shall not haue a
uauntage to take the assise hypon þ tytle,
but

but he shalbe charged to maynt hys bar.

Othertwyle is wher if the plaintiff make to hym a tytle, and answer not y barre.

A man may be tenant of y rent by hys disseison, as if he leuie the rent of my tenants by coercion of dyssres, but if y tennant paye to him the rent of hys good will, that shal not be intended the rente that I ought to haue, but another rēt, for by such payment without other thynges doyng, I shall haue no assyse.

If rēt descend to me after y death of my father, and afoze the day of payment of y rēt, y tenāt putteth me in seison of y rēt by an ore, thys seyson is not suffyciente wherof I may haue assyse, but if he paye to me a peny as parcel of my rēt now wīdīng y it be afoze y day of paymēt of this possession I shal haue assise, but if I recover rent & afoze y day of paymēt, y shirif put me in possession of the rent by an ore of this possession I shall haue assyse.

A writ de Reddiseison.

Rex dñe salutē. Adstrauit nobis J. qd cū ipse in curia nostra corā Justiciē nris tñ &c. vel corā dilectis & fidelibus nris R. & C. Justiciē nris ad assisam in com. L. capientē assignū p dñe nrm recuperatū sūm suā dñi B. &c. &c. accesserēt cū pñ in J. p recognitiōem nrm disseisiōem ibi int pñatos J. & B. capē pñat B. ipsū J. de ead tñ in iuste disseisit. Et ideo tibi pñ qd assisat tēz custod placit corā nris, & xii qā milit qd aliis liberis & lega. hōinib⁹ d com tuo tam

p. 49. C. 3.

atwite of W. & B. dist. is such

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tā de illis qui in prima iurata fuerunt quam in pro-
pria persona tua accedas ad p̄d̄ cert̄ e p̄ eozū sa-
cr̄ū diligēt facias inde inquisiē. Et si ipsū A. p̄
p̄dictū B. de p̄dicta terra interim inuente disseis-
sum inueneris tunc ipsū B. capi & in prisonē nra
saluo custod̄ fac̄, ita qd̄ a prisona illa nullo modo
deliberet sine mādato nro sp̄ali & ipsū A. de p̄dicta
terra releuare & dāna sua in duplū q̄ occasione
illius reddidit. sustinuit per sacriū p̄dictū. xii. rapari
de terris & cattallis p̄dicti B. in bail' tua sine
dilat̄ fieri & eund̄ A. hēc fac̄ iuxta formā statuti
W. de hui⁹ reddidit. p̄ouis. Et Scire fac̄ p̄fat̄ B.
qd̄ inquisitione illi faciend̄ insit si sibi pideret
expedire Certe &c.

This writ lieth in case where a mā is
disseised: and he hath recovered by al-
syle, and is put in possessiō by the shirife
and after that is disseised by the same dis-
seisor, he shal haue this writ of Reddis-
seisō against him, & that is geuen by the
statut of Marton Ca. 3. which beynneth.
Si quis diss. &c. And by y statute of Mart
Cap. 8. whiche beynneth. Illa autē qui
posterata disseison &c. Where it is sayde
suche persones are not repleuisable.

Addicion.

3n. 2. 3. 4.

If a man recouer in assyle againste a
woman sole, and after she put him out, &
take a husband, the writ of Reddisseison
shall not suppose that he hath recovered
against the husband and the wife, but y
writ of Reddisseison shall suppose y Red-
dissei-

Disseyson to bee made by the wyfe, whā she was sole, and the husband shal be named because of the mariage.

Note ye: that vpon a recouer in assyse of freshfoze, a man shal not haue a writ of reddisseison. D. 14. C. 1.

But it is thought y a man shal haue a reddisseyson, and post disseisō in Lōdon where he recouereth by a writ of right, & maketh his protestacion in nature of assyse, for there is cozoners. D. 14. C. 3.

Note ye: that if J. recouer an acre of lande in D. by assyse, to whiche there is a comon in S. belōgpyng, if J. be disseised of h̄ comon J. shal haue a reddisseison. D. 3. C. 3.

A writ de post disseisine.

Rex dīc salut. Monstrauit nobis J. quod cum ipse in cū nra corā dilectis & fidelibus nris & et scocis suis Justic nostris de banco apud W. recuperasset sām suam versus S. de x. acris terre cū p̄sū in J p̄ cōsiderationem eiusdē cū idē S. p̄sātū J. de p̄dicta terra post modū iniuste diss. Et ideo ut supra sed non dicatur tamē de illis qui in p̄ima iurata fuer̄, quā de illis v̄s que interim post modum iniuste ec. v̄s, sepe de cas post dissia in loca dissie. v̄s. Ceste. &c. A writte de post. diss. is such.

This writte lyeth as is ordeyned by the Statute of Marton vppon a recouere in assyse of Nouel disseyson, and by the Statute of West. 2. Capitu. 26. whiche beginneth. In breuibus de redd. &c. that a man y hath recovered by assise of Mort dounce.

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dauncestour, or by other Jure, or by default, or by reddicion, or by anye maner enquest. And if he be put out of the same tenements by y^e same person against wh^o he hath recovered, thā he shal haue a poss^{ess}ion, & not a reddissessio. Also if these tenautes, by Elegit, statute Marchant, statute of y^e Staple be disseised, they shal haue a writ of Reddissessio, but in case y^e a man me disseise, & after I recover by assise, & am put in possession, & the same disseisour with an other stranger put me out of the same lande, in this case I shal not haue a writ of Reddissessio, for ther is a tenant of parcel, y^e was not party to the assise, therfore I must haue a new assise. And in case that the disseisour be disseised, & a writ was brought against the second disseisour, he shal answer of the damages, for his own possession, but the statute of Glouc. Ca. 1. speaketh not but in case where the disseisour hath solde.

¶ And note ye: whan a man arreyneth assise of Pouel disseisio of a rent charge it is conuenient that all the tenants of y^e tenementes charged be named in the assise & all y^e land charged put in view, notwithstanding that he was disseised but by one tenaunt, but otherwyse is of rent seruice. And note ye: that all assises of Pouel disseisio, Po^rdauncestour that goeth

goeth into the countie, are retournable
in the commō banke, & if the kings bech
be in another couētie than h cōmon banke
is, than all the assyles of Pouel disseison
shal be afoze the Justices of the banke, &
afoze the king shal be put a certaine daye
as vsq̄ ad diē Junii in. xv. &c. but in the
Portdauncestour comon daye maye a mā
haue, as in other places, but in assyle of
Pouel dysseison afoze the Justices, and
afoze the king, a man may put a day out
of the terme, as vsq̄ in diēi Iouis Post
festū scē Lucie, & geue day of. iiii. dayes
afoze the kinge, and that will the Statute
Articuli super Cartas. Ca. 15. And in as
syle of Pouel disseison a man ought not
vouche no man if he be not named in the
writ or be presēt in court whē he is vou
ched, but in a writte of Portdauncestour
a man may vouche at large.

Addicion.

C If a mā recouer lād by scire facias, by de **E. 15. H. 7.**
fault, if he be disseled by y same mā after
ward, he shal haue a post disseison as wel as
if it wer in a *precipe quod reddat*.

C If a man recouer land in balme, & after **2. 5. B. 2.**
is put oute by the vouche, the tenant shal
haue a post disseison, vt patet per registrum.

CA writ de Documento.

R Ex viē salut. Quest⁹ est nobis A. qd B. inuē A writte de
Re & sine iudicio possit hanc vel leuauit quod Documento
dam⁹ is luche.

Natura

dam fossatum in R. ad Documentum tenet sui
in eadem villa, ut nō potest transire ec. Et ideo
tibi preter quod si predicti A. fecerit te securū ec.
fac. xii. liberos & legales hoies de vills illo videt
fossatū illud vel stagnum illud & testi & nomina
eorum inveniri. Et sum illos per bonos ec. qd
sint coram iustis nostris ad pñ ass. cū in partes
illas venerint parat fac. recogn. & pos. per vadiū
et saluos plegios predictū B. vel bali suū si ip-
se inuentus non fuerit, qd tunc sit ibi aud. illam
recogn. Et habeas ibi sum. nomina pleg. & hoc
habeat teste ec.

This writte lyeth where a man leuieth
or maketh a house, and walle, or gut-
ture in his lande, or any such lyke to the
nufance of the freehold of hys neighboz
thā he to whome the nufance hath been
made, shall haue the saide writ. And also
if he that made the nufance sell the land,
wherof the nufance was made to a strā-
ger than thā selfe shalbe brought against
both. s. againste him that made the nu-
fance, and against him to whom the lāde
is solde; & that is geuen by the statute of
Westm. 2. Ca. 24. which beginneth. In
quibus casibus ec. befoze whiche statute
assise of nufance did not lye, but onely a-
gainst him that made the nufance. And
the proces is as in assise of Nouel dissei-
son. And note ye: that if the nufance be
made in one county and the tenement is
in another countie, than the wryt shalbe
brought in that countie where the nufance
was

was made, And also if the assise of nouel
diss. be arreigned in one countye & of the
same tenements another assise is arroig-
ned in another countye, a man can pleade
nothing but suffer bothe assises to passe
and if they say both that these tenementz
are in one countye, then it is well, and yf
they vary so that the one saye, that the te-
nements are in one countye, and the o-
ther say that they are in another county,
thā he ought to cause alh assises to come
afoze the king, and that was iudged. An.
6. E. 3. betwixt Richards Clefforde, and
Henry Fitz Hugh. And note ye: that in
manye cases assise of Nuisaunce lyeth as
it appeareth by these two verses.

*Fons, flagna sepsque vlt deuersus cursus aquarum,
poscunt assisam marcatam fena bancum.*

¶ A writ de Partio nocumento.

*Re. vlt salut. Quertus est nodis A. qd B. in
Ri. de e. lye iudicio lenauit quandam fabricam
in A. ad p. documentum liberi tchui sui in eadē vi-
la post p. transse et. Et ideo tibi p. et. q. loq. la-
sua amplas et posset et inde iuste debu. lat. Ne
amplius et. pro defectu iusticie. Teste et.*

*A writ de
Partio nocu-
mento is such*

*T*his writ lyeth where a m. p. or suche
lyke is leuyed to the nusaunce of hys
neighbour, he to whome the nusaunce is
made shall haue this saide writ, and it is
viconnible, and pleadable in the countye.
And this write may be remouable out of
the countye into the comon banke at the

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suit of the pleintife withoute cause in the
wryt, and at the suite of the tenaunt with
cause as in the *pone de averis repleg*. And her-
of may be made a wrytte of Execucion of
iudgment if nede be, but if he that made
the nusaunce dye afore the assise purcha-
sed, then he to whome the nusaunce was
made, or bys heire shall have a wrytte of
Quod permittat againste the heire of hym
made the nusaunce. And so a *Quod permittat*
lyeth the all tymes in place of a wrytte of
Entre grounded vpon disseison, or abate-
ment, after the deathe of him that made
the nusaunce. And note ye, that ther be o-
ther wrytts that are called lytle wrytts of
disseisin that are vicontiel, and pleada-
ble in the county afore the Shyrif that are
De domo iniuste leuata vel prostrata et
consimilibus, bt patet per registrum, and
what maner of nusaunce are pleadable in
the county it appereth by these verses.

*Fab, fur, porta, domus, vir gur mole murus, ouile,
Et pons, tradantur hec vicecomitibus.*

D. 21. C. 3

Addicion.

Two coperceners are seised of a med-
dow and a mil, & they haue a way from
mil vnto the water of the same mill ouer
the medows, & they make particion so
mil is aloted to the one copercener and
medow to the other, & vpon the particio
it is

It is agreed that he that hath the myl shal
haue the way to the mil ouer the medow,
if the other to whom the medow is allot-
ted leaue a ditch in the medow wherby he
is put out of his way he shal haue assise,
for he may not haue the profit of the mil
without the way, wherfore that orde is
good without writting, as rent reserued
vpon a particion without writting &c.

Note ye: that if a man ought to repara
a brydge, ouer which I haue a waye be-
longing to my maner of Dale, and hee
ought to repara the brydge, make no re-
paracio wherby I cannot haue my way
I shal haue an accion vpon my case, and
not assise, for wher a mā ought to make
a thing & makes it not, I of his lathes shal
not haue assise, but wher a man maketh
a thing by maynour, or leuyinge or esco-
pinge, in suche case I shal haue assise &c.
If a man be holden to scoure a dicke, that
the water may haue course, & hee make it
not wherby my medow is surrouded, I
shal haue a writ of trespass, but if he stop
that, that is vncleused I shal haue assise.

C. ii. d. 4

Rex vic. salutem. Si A. fecerit te &c. tunc suū
Rex xxiii. legales homines de visū d. A. qd sint
corā Justiciariis apud W. tali die, vel ad primā assi-
sam &c. parati facta recognoscere si iuxta quas
quedam inquisiti nup̄ capti sunt coram Justiciariis
apud W. p. breue n̄rum &c. qd fuit inter A. petet, et
B. tenet falsum fecerit factum sicut idē A. grauit

I writte de
francha is
such

A. ii.

nobis

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nobis cōquerens monstrauit. Et interim diligēt
inquiras qui fuerūt iuratores. p quos inquisitio
capta fuit. Et eos habeas coram prefatis Justic.
ad prefatum terminū vel ad p̄latā assisā. Et sūm
per bonos sūm prefat B. q tunc sit tibi auditus
illā recogn. Et habeas ibi sūm nōia p̄dictorum
hominū. et hoc breue. Teste ec.

This writ lieth where an enquest hath
made a false berdyte whereof they bee
attainted by this writte they shall haue
such payne. s. theire medewes shalbe pea-
ried, and theire houses pulled downe, and
theire woods destroyed, and al theire lan-
des and goodes forfeited to the king, but
if the writ passe againste him that bring-
geth the writ, he shalbe imprisoned and
greuouflye ransomed at the kings plea-
sure. And the proces is against the partye
Somons, and resomons. And against
the parrye Jurours, venire facias, and a dy-
stres. And against the graunde Jurours,
Sommons Habeas corpora, and distres. And
in how many maners a man maye haue
attaint, looke the stat of Westm. i. ca. 37
which beginneth: Pur ceo q̄ ascun gentis
ec. that a man shall haue attainte in ples
of lande, or of a thinge that toucheth free
hold. And now by the new statute of An
i. C. 3. ca. 6. is ordeined the attainte shall
be graunted in a writte of trespas, as well
bp̄ s̄ damages yf they passe. r l. s. as bp̄ s̄
the p̄ncipal. And also the statute made

An. i

An. 1. C. 3. ca. 7. that attaint is aswell in ple parsonal as in ple real, & to be graunted to pooze men wythout syne, and the Chaunceller hath power to graunte this w^{rit} without sayng to h^e king. And that the Justices let not in no case of attaynt delaye to take the attaint for h^e damages not payed. And by the stat made at west.

An. 1. C. 3. Cap. 7. in the end, a man shall haue a w^{rit} of Attaint in ple of Trespas moued afoze Justices that are of recorde withoute w^{ritte}, if the damages iudged passe. xl. s. And after by the statute made in the time of the same king. A. 28. ca. 8. a w^{rit} of attaint shalbe graunted aswell bpon a bill of trespass, as bpon a w^{rit} of Trespas, hauing no regard to the quantity of the damages. And also the attaint shalbe graunted to pooze mē y^e wil swere y^e they haue nothing whereof they maye make fine, sauing their countenance w^out fine, as to other by a resonable fine. And by the statute of An. 24. C. 3. Ca. 7. And also by the statute of A. 9. H. 2. ca. 3. is giuen y^e he in the reuercion lyuing his tenāt for terme of lyfe shal haue attaint.

Addicion.

Note ye: that a w^{ritte} of Centre was brought in Suffer, & the tenaunt pleaded the deede of h^e auncestour of the pleintife made in London, whiche was denyed,

M. 13. C. 1.

A. iii.

and

Natura

and found of the pleintife in London, and
 vpon that the tenant brought attaint in
 London to somon. xiiii. and to attache
 these. xii. and another writ to þe Shire of
 Suffex to attache the partye, where the
 land was, and the writ that was direc-
 ted to the Shires of London was chal-
 lenged for that, that it is not compzised
 in þe writ that the partye shalbe attached
 and not allowable for in a newe case a
 new remedy shalbe prouyded.

29. 31. 32. 33.

Attaint was brought against J. S. as
 sonne & heire vppon a false verdit geuen
 betwixt the pleintife, and the father of þe
 said J. S. in *precipe quod reddat*, and the writ
 was challenged, for that, that it is not prou-
 ued by the writ that he is tenant, and for
 that, that every attaint in him selfe is so-
 mons, the writ ought to haue ben, Sum-
 one suche, and not allowed, for the writ
 shalbe brought against the father wout-
 any somons against him, for that, that þe
 law intendeth that the tenancy continu-
 eth in him, and this accion is formed vpon
 the first recozd, & by the same reason it
 shalbe inteded that it discend to þe heire,
 and that he is tenant wherfore answer.

34. 35. 36.

One þe wasouched brought attaint a-
 gainst those þe passed vpo a dete denyed,
 & the writ wili that one J. S. tenant vou-
 ched to warrant & the writ was abated,

for

for that, that the writ supposeth not that the vouch hath a warrant of the ternaunt by expresse wordes, yet it is supposed by these wordes *placitando protulit* that he hath a warrant, but that, that it shoulde be put in the writ by expresse wordes maye not be mayntained by supposel.

Note ye: that one may haue attaynt, a writ of Errour, and disceit afoze execution, for the mischief that he will not sue execution vnto such tyme that the petite iure, or somoners & beiaours be dead, and then to sue execution when hee waye not haue the accions, and of this mischief he shal haue them afoze execution.

If a writte bee awarded to the Shirife by default to enquire of wast, it is saide that the parties shal haue their challenge afoze the Shirife & also atteint, if the iure make a false verdit, or non credo. Quere.

Note ye: y no man shal haue attainte in appele of maihe, nor in any other appele of felony, or of the death of a man.

Note ye, that if a manne be indycted of trespas, and founde guilty by another request, he shal not haue attaint, for that that. rriiii. hath founde him guilty, and both the verditcs agree.

In trespas against. ii. the one appereth and is found guilty by one enquest, and y other by another enquest, he y was founde

D.iiii.

guilty

21. C. 3.

10. H. 4.

Quere

Nota

44. C. 1.

Natura

guilty by the latter enquest shall haue attaint notwithstandinge y hec is a straunger to that, for that, y he is in damage by that, for the first enquest shal take the damages, and not the seconde enquest, & of those damages he shal haue attaint.

E. 6. H. 6

Attaint was brought, & he assigned the false verdit to be in. ii. thinges, where as it appereth to the court that he hath no cause of accion, for the one, & by the aduise of all the Iustices, it was holden, y the party shalbe barred of that, and the remenaunt to stand in his force.

M. II. H. 4

The iudgement in attaint is whan it is founde for the pleintife, that the verdit is false, the iudgement reherfeth the pointes &c. we awarde that the pleintife shall haue againe his lande and those damages that he lost in the Assise, and the profits had in the meane time, and that the tenant shalbe taken & the petit iure shal lose fre law, and there goodes forfeited, and there tenementes destroyed, and all theire landes and tenements seised & their medowes razed & their woods destroyed theire wiues & infauntes of theire houses put out, and that they shalbe taken.

¶ A writ de Certific. noue disseisine.

¶ writ de
certificat no-
ue disseisin is
such

Rex vie. salutē. Quia super quibusdam articulis noue disseisine contingent. que inter J. et J. cum fuit et capē apud J. par breue nostrū coram dilectis et fidelibus nostris H. & R. de testō i J. quidam

quidam subsunt dubitationes sicut ex querela ipsius J. accepimus, constituimus prefatos H. & W. iustic. nostros vna cum hiis, quos, sibi alloc. ad certificationem super articulis predictis capiend. Et ideo tibi prec. q. ad certos diem & locum quos et diem H. et W. tibi scire facias iuratores illi⁹ assise coram eis venire facias ad certificand super articulis predict. Et sum per bonos sum predict. q. tunc sit tibi auditurus illam certific. Et habeas tibi sum nomina iurat et hoc breue ec.

Thus wyrt lyeth where assise his broughte against a man, and he answered by baylpe, and the baylpe cometh into the courte excusinge the absence of hys mayster, and pleade in abatement of the writ or sayth no wrong, ne disseisine, for he maye not pleade anye release, or wrytyng in barre of accion, then if the tenant lose in his absence by assise, if he hath anye release or other wryttinge that wyl make for him hee maye comme afore the same Justices, afore whome the assise was taken and shewe his right by release, or other wrytting, & if the Justices may see that the pleintife in the assise might haue bene excluded of assise, if the saide release or wrytting hadde bene shewed afore the iudgement in the assise gyuen, then the same Justices shal sende a scire facias to the Shyrif of the countye where the assise was arreigned, that he warne the party that first recovered to bee afore them at a certayne day. And also that he shal cause the

Natura

first iurours to come y^e was first swozne
in assise, & then if it may be founde by ver-
dit of the iurours or by inrolment, that
the said wrytinges are true, that he that
purchased the said assise shall yelde dou-
ble damages, as it appeareth by y^e statute
of West. 2. Cap. 25. whiche beginneth:
Quia nō est aliud breue .&c. And in case
that the Justices or anye of them afore
whom the saide assise was firste take d^ye
or be remoued, than the party if he haue
any release, as afore ts saide maye haue y^e
said certificacion, whiche shal bee patent
directed to the newe justices rehersynge
all doubtes touching the assise that was
taken afore the first Justices comman-
dyng them that they take the sayde certi-
ficacion at a certaine daye & place, & ouer
that a p^recipe directed to the shirif of the
same county, y^e he somon the same partye
that first reconered. And also y^e hee cause
the first iurours of the assise to come a-
fore the saide newe Justices at a certaine
daye & place, to certifie the said Justices of
the said doubtes as it appeareth by the Re-
gister. And also this certificacion maye
be take in the kinges bench, or in the com-
mon place, & then no patent shalbe made
as is in assise of Ponel dis. by whiche cer-
tificatiō, aswel in the one case as in the
other, the iudgement shalbe reuerfed, and

in case that the party be warned, & come
not at the day assigned, he shall loose the
lande by defaute. And if he come at the
seize facias, the plee shall passe betwixt them
and if hee that recovered by assise can no
thing say against the release, then the te
nant that lost by the assise shall recover.
And the Proces is againste the Jurours
a *venire facias Habeas corpora* and distress infi
nite, but this wytte lyeth, but where it
may be found by record, and by the roles,
than thenqueste y passed in assise speake
nothing, nor made mencion of the relese
or other writing in theire verdite, but yf
thenquest make mencion of the release,
or of theire writing, and they gyue false
verdit notwithstanding the release then
the party against whom they passed may
haue attaint again the iurours. And yf
the Justices giue false iudgement where
these iurours made mencion of y release.
& putteth their verdit vpon the iudgement
of the Justices, and y may be founde, the
the said party may haue a writ of error
and the iudgement shalbe reuersed. And
if it be found that the release is good, the
party shal recover, and yf not the other
shall holde in peace, and that is gyuen
by the statute of Westm. 2. Cap. 25. whi
che beginneth: *Quia non est aliquod*
breue &c. And in case that the assise passe
in ab.

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in absence of the party, and after the party cometh, & shewe to the Justices any release as is aforesaid, & the Justices delaye to do after the said statute, then the party may haue a writ directed to the same justices, in which writ the said statute shall be reversed, commanding them that upon the sight of the said writ that they make full Justice to the foresaid party, as it appereth by the register. And this writte in this case shalbe in place of a certificacion. And note ye that by the same statute if a party defendannt in assise of Nouel disseison alledge in delay of the party pleintife, that assise another tyme passed betwixt the same parties of the same landes or that the said party pleintife was nonsuit in a writ of higher nature hanging betwixt the of the same tenement, or if the said pleintif was nonsuit in such lyke writ, and profereth to verifie that of record, in this case if the same party faile at his day of the recorde, he shalbe iudged as disseisour, without triall of the assise, & if assise taken in the right of damages &c.

Addicion.

CIf a recouere be in assise, and after the tenant in the assise sue a certificacion upon a deede, and a *scire facias* againste the partye that recovered to be at a certayne daye. &c. and a *venire facias* in the same writte

wyte against the. xii. Jurours that was
sworne in the assise, and the shirife retur-
ned þ̄ twoo of the Jurours are dead, qre
if he shall haue a certificacion o2 not: for
that, that the statute is, that it shalbe try-
ed by the first Jurours, but not by al the
Jurours, and it was saide that there was
a certificacion at the common lawe afoze
the iudgement giuen if the matter be bp-
on a dede bearing date in a fozeine coun-
ty, it shalbe tried by other, and not by the
first Jurours. 12. H. 4.

**CA wyte de Assisa mortis
antecessoris.**

Rex vic. salutem. Si B. fecerit te ec. tunc sum
ec. xii. liberos & legales homines de visñ de B.
q̄ sit corā ec. tali die ec. parati sacra recognosce-
re. Si B. scñ pater predicti B. fuit seissitus in do-
minico suo, vt de feodo de vno mel. cum ptiss in
p. die quo oblit. Et si oblit post coronacionē dñi
H. fil regis ec. Et si idem B. propinquior he-
res eius sit, Et interim predictum mel. videant
& nomina eorum in breuiat fac, et sum per bonos
sum predictum B. qui mel. predict tenet q̄ tunc
sit tibi aud illam recogn. et habeas ibi sum, et
hoc bene Teste ec.

This wyte lyeth where my father, mo-
ther, brother, sylter, vncle, o2 aunte de-
ed seised of landes o2 tenementes, o2 of
rent, that they haue in fee simple, and a
strange abate, than I that am next heire
shall haue this wytte againste the abba-
tour, o2 agaynst the whosoever that is in
posse.

Quere

**Wyte de as-
sisa mortis an-
tecessoris is
such**

Natura

Process

possession, after the death of myne aunc-
 tior. And the proces is in this wyte as
 it is in a *Iuris utrum*. And note ye that if a
 Infant be inwarde of his lord, and after
 he cometh at his full age, the lord will not
 yeld to him his lande without plee, than
 the Infant shall haue this wyte and that
 is geuen by the statute of Marl. Cap. 16.
 whiche beginneth: *Si heres aliquis &c.*
 but if he be of full age after the death of
 his auncetior, & is in hys heritage, and
 knowne for heire, & the lord entre vpon
 the heire, and holde hym out than he shal
 haue the foresaid wyte, & recover dama-
 ges, as in assise of Nouel disseisin. And
 note ye: that by the statute of Glouc. ca. 6.
 it is ordeined, that if a man dye seised of
 certayne landes or tenementes in fee sim-
 ple and hath many heires, whereof one is
 sonne, daughter, brother, sister, neuewe,
 or nece, and the other be in no more long
 degree, if a straüger abate al those heires
 together shal haue the foresaid wyte but
 if the heire be not one of them aboue na-
 med, they are put to theire wyte of Ryle,
 or Cosinage as their case lyeth. And note
 ye: that if an Infant purchase a writte of
 Mortdauncetior, he ought to fynde no
 surety, & for y he shal not say in this wyte
si ille fecerit secum &c. And note ye: that the
 statute of Westm. 1. Cap. 22. whiche be-
 gin-

genneth: Des heirs maries &c. that if a nye lord witholde these heires females vnto .xvi. yeare vnmariéd, because of couetousnes of the lande, than the heir may recouer her heritage by þe foresaide writte of *Writ*. And note ye: that a man maye haue a certificacion and associacion to the said writ.

¶ Addicion.

Note ye: that a writ of *Writ* of *Writ* was of a comon sournie. In domi-
nico suo ut de feodo die quo oblit: & the
tenat said that his auncestoure of whose
death he bringeth this writte went ouer
the sea towarde saint James: the whyche
auncestour is not yet come againe, there
fore the writte shall say: *Die quo iter* &c.
wherefore þe writ was abated, and the de-
maundant would haue auerred the death
of hys auncestour, and could not be recei-
ued. for that, that another writ is geuen
in the case.

W. 16. C.

The writ of *Writ* was *Writ*. xii. &c.
de bisn bill de Dale &c. parati &c. si oblit
leisitus de octo pedibus terre in longitu-
dine, & vi. in latitudine, & duabus parti-
bus vnius mesuag & medietate ptiū vni-
us mesuag. in villa de Dale. &c. interim
mess. terras & tenementa videant. And þe
writ was chalenged: for that it was *De*
octo pedibus &c. for it oughte to bee of a
place

W. 16. C.

place that containeth so much, so the principal demaunde shalbe of the place, & not of so many footes, & also the writ ought to be, that these. xii. of the assise ought to be of the same beynewe wher the demaund is made. and nowe is the one of the beynewe of the towne of Dale, to somon the Jurours, and the seconde is in the towne of Dale, & also in the demaund, the lande is first in demaund, & after the mesuage, &c. and in the clause to make the beynewe the mesuage is first named, but the exception was not allowed as to the first challenge, for a man shal not have a writte to demaund a place that is not certeine, and as to the seconde point the fourme of the writ is such and may not be intended divers townes, & as to the third point that is hole in the demaunde shalbe first named, and then the halves, but when the beynewe ought to be made and the hole mesuage to be put in biewe y^e fourme is to put the mesuage afore the land & a writte of another fourme may he not have, wherfore the writ was awarded good.

29. 7. C. 3.

In assise of Mortdaunceour, yf the tenaunt pleade a feoffemente of the auncellour of the demaundaunt in barre, hee ought to traaverse the dienge seised, but yf he pleade a recouere, or a fyne lencyed by the auncellour, he oughte not traaverse the

the dying selsed, for that, that the deniaū
vaunt it stopped to saye againste the re-
corde that he dyed seysed without thew-
ing how after the recovery.

In assise of Mortuor the tenant pleaded **29. 27. C. 2.**
a recovery in assise had against y^e plaintiff
selfe, and for that, that thys disproues the
estate that the plaintife hath after y^e death
of his auncestour the opinion of y^e court
was that it is no barre.

A. was endited of felony, & one **D.** as
accessary, & upon the rape the iury re- **29. 33. C. 1.**
turned that **A.** non potest inueniri, and
that the sayd **D.** was taken, & he pleaded
not guilty, and he was founde guilty, and
hanged, & the lorde by Eschevr. entred, &
after the said **A.** was taken, & brought to
the barre, & after was founde not guilty,
& the heyre of the sayd **D.** brought assise
of Mortuor against the lorde by
Eschevr, & shewed al this matter, & after
was awarded that the sayde heyre shuld
recover seyson of the lande: for that, that
if the sayd **D.** wer on lyue, that he shuld
be acquitted by the acquitall of the sayde
A. and that he can be no accessarye of fe-
lony whan there is none.

Quer hic saluē precipi qd in ste ec. reddat **29. 33. C. 1.** **A** writ de.
habeas corpus in M. & aduocationē ecclie. **29. 33. C. 1.** **A**uo is suchē
he enuoyem ville de quibus C. huius predicti **29. 33. C. 1.**
cuius heres ipse eduxit seise in dominico suo,
29. 33. C. 1. **B. 1.** **de**

Natura

ut de feododie quo oblit, ut dic. Et nisi fecerit &
predic? B. fecit te secut? ec. tunc sum ec. Et habe
as ec. tunc ec.

This writ lyeth where my graundfa-
ther dyed seysed of lande, tenement, or
or rent in fee simple and a stranger doth
abate, thā I shall haue against him this
writ, or against his heyre, or his alyene,
or against whosoever that cometh to þ
sayde landes & tenementes in what ma-
ner soever he is in. And in the same ma-
ner lyeth a writte of Cosinage, that is to
say, where my graundfathers father, or
my great graundfathers father, or o-
ther Cosyne, & so to the .ix. degre y died
seysed in fee simple, & a straunger enter
I shall haue a writ of Cosinage, and not
a writ of Ayle: for that, that it passeth þ
writ of Ayle. And note ye, that a writ of
Cosinage lieth in the discent linial. And
it is to knowe that the linial dyscent is
from þ father to the sonne, but if the land
descend from þ sonne in the vncles sonne
vpon abatement, he shall haue a writ of
Cosinage. And note ye: that assise of no-
uel disseison, Mortdaucessour. Ayle, Co-
sinage & Ruper oblit, are onely writtes
of possession, & not mixt with the ryght,
but assyse of Pouell disseison is of hys
own possession. And the other are of the
possessio of the auncestour to whom he
is next

is next heyre. And note ye, y a man shal
recouer no damages in the sayd writtes
but in those that damages are geuen by
statute, or by y common law, & of dama-
ges loke in the stat of Gloc. Cap. 1. And Proces
y proces is in this writ, Homōs, Graūde
Cape, & petit cape &c.

¶ Addicion.

¶ A general writ of Ayle was brought, **H. 13. C. 2.**
and it was challenged; for that, that hys
aūcestour dyed not in Englād, but tooke
his iourney toward the holy lande, and
came not againe, in which case he shall
haue a lyke writ as he should haue in as-
syle of Mortdaunceffour, but that excep-
ciō was not allowed, for it hath not been
seene in a writ of Ayle.

¶ The writ of Ayle was *precipe &c. quod reddō bñam bouatam terre & vitam bona-
tam Marresci*, and the writ was abated,
for that, that y organge is alwaies of a
thing that lyeth ingaynour.

¶ In a writ of Ayle, a release was plea-
ded of the same graūdfather with a war-
ranty, and the opinion of the courte was
that, & was no barre, except he say wout
that, y he dyed sciled, & so it was pleaded. **H. 13. H. 4.**

¶ A writ de Super obitu.

Rex vñ salutem, & i. A. fecerit te &c. tunc sum. I writte de
Re. B. qd sit corā Iustic nris &c. tal die offēs Super obitu
quare defozē pñat A. rationabilem ptē suā que ei is such.

Natura

cōtingit de heredit, q̄ fuit J. de P. patris sui fra-
tris, sororis, aut, aule, auit, cūl, amite cōlanguin
h̄dictorū J. & B. cuius heredes ipsi sunt. Et qui
nuper obiit vt dīc. Et habeas &c. teste &c.

Preces

This writ lieth where a man hath ma-
ny heyres that shall equallie enherite,
as many daughters or sonnys (if it be in
Kent) and dyed seised of certayne landes
or tenementes holden in fee simple, if a-
ny of theise coheyres enter into the land
and holde theyse other oute, than theyse
that are holden oute shall haue the sayde
wryt against the coheyre that is in. And
the Proce is, as in a writ of Ayle. And
note ye, that a wrytte of *nuper obiit*, and a
wrytte of *Wyghte de rationabili parte*, lyeth
allwaies betwene prynces of blood, but
a wrytte of *Costrauncer*, *Cofinage*,
and a wrytte of *Ayle*, lyeth allwayes a-
gainst a straunger. Note ye, if anye be
deforced of theyr reasonable parte, it be-
houeth to be brought by all those, that
are deforced, & not by one of them, for al-
beit, yf theise other will not sue for theyr
reasonable part, the shall bring this writ
and all theyr names that are deforced, &
this writ shall be retournable, and if they
will not sue, he that wil shall haue a writ
called *summonias ad sequendum simul*, & if they
come not at thys wrytte, the other that
wyl sue shall be receyued to sue, and to
pleade

pleade against his person y^e is defozfour
 in right of his part, & shal haue iudgement
 and execucion for her porcion. Note ye;
 that this writ shalbe brought by coheire
 against coheire, & not other wyse: for if
 any other auncestour enter, & clayme by
 the same discent that I clayme by, I shal
 not recover against him by the said writ
 nor other writ, but enter vpon him. And
 if he put me out, I shal haue assise of Ro
 uel disseison, or a writte of Right, for as
 lyse of Mordaūcestour I may not haue
 againste my colyn that claymeth by the
 same discent that I clayme by, for a writ
 of Mordaūcestour lieth neuer betwixte
 prynces of blood. And the writ of Right
 that is brought against the Cosine that
 claimeth vt sup^r, shall not be determined
 as other writs of Right that is to say, by
 battaile or by graunde assise, but by en
 quest, that is in the place of the graunde
 assise: for that, that the right is not to be
 tryed, but onely the pziuity of blood, y^e is
 to say, which of the are moze nere of blud
 to the auncestour that was last seised a
 foze that they are passed the thyzd degree
 where they ought claime by one discent,
 but battayle lyeth not betwixte systers.
 Where one is leoffed by Chartour, and y^e
 other by discēt, as it appereth in Magna
 Carta de assisa eligenda. Note ye: if any

Natura

Stranger abate after the death of any comon auncetour at these cobryes to gether shall haue theyr recouery against þe stranger as one sole heyre that haue by a writ of Mortuamcester.

Addicion.

29. 15. h. 3.

In a nuper obijt after that, that the tenat hath defended the wordes of the court, and the ryghte of the demaundant, as a free mā, he alledged that he was villein, whereby the writte abated. And note ye, whā a writ is abated by exception of villeinage, þe writ lieth not against þe lord of þe villein, if þe villein be not named, wher the lord is not seised by entre, for the lord shall not be tenant againste his will.

A writ of Decies tantum.

A writte de Decies tantum is suche.

Rex. viē salutē. & ita fecit te secus et. tunc post ec. c. d. e. & c. qd sunt et tali die ad responsū tam vobis qm p̄fatis a quare cū in parlamento domini & nuper Regis Angl' progenitoris nostri apud westm' An. regni sui xxviii. ient inter cetera concordat existat, quod si aliquis iuratoz in ass. iuratis vel aliis inquisitionibus capiendū inter nos & ptem vel partem & partē quicquā capiat p ipsos vel p alios aparte conquerencie vel defendente pro veredicto suo dicendo & sup hoc per processum in quodam articulo de iuratozib'. Anno regni sui. xxiiii. fact ordinat, cōtinuat siue sit ad sectam partis, que pro se ipso aut p nobis, aut alterius cuiuscunque persone p̄latus voluerit salvo similis iure illorū decies tantum, quantum ipse recepit, & habeat ille qui fact sectā sua

sub medietate & nos aliam. Et qđ omnes imbracatores dicendi vel petendi tales inquisit in patria p laro vel pđo pficuo capiend puniant eodē modo in forma sicut iurat. Et si iuratoz vñ imbracatoz ita cōuict nō habet vñ in forma su p̄dicta satisfaciāt habeat p̄sonā vñ⁹ annū, p̄ ut in ordinat p̄dict p̄sentis continetur p̄dicti C. D. & E. in quadam assisa no. d. i. qđ idē A. nup̄ arem cōt delectis & fidelib⁹ nostris R. S. iustic nostris ad ass. in cōm S. capiend assigh p b̄cē nō strū beel⁹ S. & alios in dicte breui cōsent de tē in E. ponit p̄bō dōcto suo in hac p̄e dicēdo ac p̄dicti C. D. & E. imbracatores eiusdem ass. ad eam dicēd, & p̄curando de p̄fato A. diuersas pecuniarum summas. Et alia dona apud R. ceper in nostrum contēpt & ipsius A. ad graue dampnū. Et cōt formā ordinacionis p̄dict. Et habeas ibi nomina p̄leg. et hoc breue teste &c.

This writ lyeth wher Furrours hath taken golde or siluer of the one p̄tie or of the other to say their verdicte, than by this writte they shall paye. x. tymes as much as they did receiue,, and the party that sueth shall haue the halfe, and the king the other halfe. And those Embzaceours y p̄cureth suche enquestes, and taketh money, they shall be punished in the same maner, or if these Furrours or Embzaceours hath not, whereof they maye make gree, they shall haue imprisonment of a yere, but no Justices by hys offyce shall enquire vpon the said poyntes, but only at the suit of the party, and this re-

R. liii.

cones

Proces.

couery is geuen by the statute de An. 4.
C. 3. Cap. 8. And the Proces is, Attache-
ment and distresse.

M. 35. h. 6.

Addition.

In this accion popular, the defendand
pleaded a recouerye in another accion po-
pular, that was brought against hym by
a stranger, and acquittance made to hym
by the stranger, & pleintife may auerre &
acquittance to be made by collusion.

Quere what
ye.c.

In a *Decimus tantum*, iudgement of & writ
was demaunded: for that, that the writ
was, in loquela que fuit inter J. D. de-
mandant & J. C. defore. per breue nostru
de iudicio de vno mesua. where he ought
to shewe by what writ of iudgement: for
that, that there is byners writs of iudge-
ment, as a *scire facias* to execute a fyne, or
a iudgement. For if the defendaunt will
say, that there is no such recovery, this
issue is not certayne, for the recovery is
not alledged certayn. notwithstandinge
& writ was alwarded good, for that, that
he hath put the certaynis of the land in
the writ. And in such a writ it is suffici-
ent to saye, In quadā loquela transgres-
sionis vel debiti, without more, & yet the
trespas is not certayne.

M. 1. h. 7.

Note ye, that in a *Decimus tantum* & other
actions grounded vpon the statute that
geneth to the party that will sue the one
halfe

holfe, & the kinge the other, if the party
begynne hys sute, that y was populer
is made his proper suite, & the king, noz
no other persone may not release noz
disper, as to hys interest, & the acquittal
or condempnation of the party is a barre &
a discharge against all other people, but
befoze the accion begone, the kinge maye
release or pardone, & that shall be a barre
against all people, & that was granted
by all the court.

In a *decies tunc* againste the Embra-
ceours, the plaintife ought to shew how
they embraced, & where the embracement
was made, & howe to take money, & howe
he said to y Jury, & Danby sayde, though
that they take money, and make no Em-
bracery, the accyon lyeth not against them
but otherwise is of a Jurie, if they take
money to say theyr verdict, if y party be
non suit y accion lyeth very wel againste
them, soz that, that whē they are swozne
they are Judges.

And note ye: if the iurours geue a true
verdict notwithstanding that if they take
money to saye theyr verdict, they shalbe
punished by this writ.

A writ of *decies tunc* was broughte
against certayne persones soz takinge of
money in all ple brought by the pleyniffe
in this writ, and hys will and exception
was

T. 37. H. 6.

D. 11. H. 6.

T. 40. E. 3.

was taken for that, y the wyfe was not named with her husbände in thys writ & that errecpcion was not allowed for thys writ is not geuen by reason of the tenaury, as attaint or Chāparty is, but it is to punishe the Jewry for the takynge of the money.

C. 14. C. 2.

In a Decies tantum, y berdit was found against the Jurours, in this action y Jurours were awarded to prisō, and it was awarded that the king & the partie shall recouer. r. tymes to the valure &c. as the statute will &c. And that the king shall haue the one halfe & the partie the other halfe, & the Jurours shall profer that, y belongeth to the party in the court, and it was saide that the king is principall, for it is geuen by the statute that he that will sue for the king, the king hath geuen him aduantage to haue the halfe of that, that shalbe recouered, & it was answered y the king taketh not his suite as of det due, but by way of a fine, and ther where the king ought to take a fyne, the partie shalbe alwaies fyrst serued wherefore they payed the halfe to the pleintife, & founde suertye to y kinge &c. And than they were deliuered out of the prisō.

I writte de
Quare eiecit
infra termi-

In writ de quare eiecit infra terminū.
Rex vii salatē Et I. fecerit &c. the sum W. qd
sit &c. tali die ostensū quare desozē pstat. &c.
de. r.

de p. seris. tunc cū partitū in p. qd C. et de milis mānū is such
 ad terminū qui non dū pterit, infra quē tūmā
 tpe C. p. f. a. B. terra illā dēdūt occasione cui?
 venditionis idē B. p. f. a. B. de terra p. d. c. a. c.
 et, de d. C. et habes ibi iūm et. C. et e. et.

This writteth lieth where a man letteth
 landes or tenements to another for
 tearme of yeres, within whiche tearme
 the lessour enfeoffe another in fee, and p
 feoffe put out the tenaunt of his tearme
 than the tenaunt shall haue this writ a-
 gainst the feoffe, and the proces is, Proces; do-
 mōs, attachement, & distress, & the proces
 of outlawry, but the tenant in thys case
 may haue writ of consenant againste hys
 lessour if he be sufficiēt, & haue writting.
 And also because that this tearme is com-
 pared to mouable goodes and chatels,
 this writte was founde by a discrete man
 called William Marton, so that by thys
 writ, the tenant may recouer hys termes
 against the feoffe.

Addicion.

Note ye, that in this writ the lesse shall D. 19. D. 6.
 recouer his terme and damages agaynst
 the feoffe of his lessour.

In this writ against R. the plaintife D. 3. C. 1.
 declared that R. hym defozced of an acre D. 18. C. 2.
 of land the which one A. lette to him for
 tearme of yeres wīn which terme such
 a day &c. A sold the land to this R. wher-
 fore R. hym put out, the defendant saide, y
 he

Natura

he hath nothig of the sale of A. & he was put fro that plee, for if it be found that A had solde it, yet þ putting out is not found wherfore he said, that A. hath nothing in demeane, reuercion, noz in seruice at the time that he solde the lande to bs &c. and that was not allowed, for he oughte to aunswere to þ putting out, wherfore he said þ he did not put him out by the reason of þ sale of A. &c. And note in þ same plee if he in the reuercion release to the disseisour, this writ of *Quare eiecit infra terminum*, lyeth agaynst the disseisour.

¶ And note that a mā shal not haue this writ, except þ he haue possession in dede.

¶ A writ de *Eiectione firme*.

A writ de *Eiectione firme* is such.

Rex vii salutē & i. A. fecit &c. tūc pone &c. B. qd̄ sit &c. tali die ostens̄ quare vi & armis in mānerium de J. qd̄ C. p̄lato A. demisit ad terminū x. annorū qui nondū p̄terit, intrauit, & bovi & catalla eiusdem J. ad valent. x. li. in eodē manerio inuent̄ cepit, & asport. Et ipsum A. a firma sua p̄dict̄ eiecit & alia enormia ei intulit ad graue dāpnū ipsius A. & contra pacem nostrā. Et habes ibi nomina pleg Et hoc breue teste &c.

This writte lyeth in case where landes or tenementes are let to a manne for terme of yeres, within which terme a straunger of hys owne wronge putte out the sayde tennant, than the sayde fermour shal haue the said writ against the stranger. And the proces is as in a wryt of Tres.

Proces

of Trespas, for in this writ shalbe supposed that the tenant was put oute with force and armes.

¶ Addition.

¶ Note ye, that this writ of *Electione firme*, *E. 6. R. 2.* is but in the nature of an action of trespass, & the pleintife shall not recouer hys terme that is to come but damages, but he shall recouer his terme by a writte of Couenaunt against his lessour.

¶ Note ye, that executores broughte a writ of *Electione firme* & declared y^e their testator was put out, and the writ was g^oue Quere. *E. 7. R. 4.*

¶ A writ de ingressu ad terminum qui preterit.

Rex vic salut. De q^o iuste ec. redd^o B. b^oni mesuag. cū p^oriū in A. q^o idē A. dimisit ad terminum q^oi p^oterit ut d^oic^o. Et nisi a c. & p^odic^o B. fec. te secut^o ec. tūc sum^o ec. p^orefat^o D. q^od sit corā ec. tali die ostēd^o quare non fecerit. Et habeas tibi sum^o, & hoc d^oic^o teste. &c.

A writ de ingressu ad terminum qui preterit is such.

¶ Hys writ lyeth where landes or tenementes are let to a man for tearme of yeares, and the tenaunte holde ouer hys tearme, than the lessour shall haue thys writ, but in place of this writte he maye haue assyse of Novel disseyson if it be in the first degre (y^e is to saye) if the lessour enter after the terme ended, & y^e lesse enter agayne & put him oute, than lyeth the assyse. And also it lieth in case where lā

Des o^o

des oꝝ tenementes are let foꝝ tearme of a
 strangers lyfe, and the stranger dyed, &
 the lesse holdeth ouer his tearme, than þ
 lessour shal haue the said writ oꝝ he may
 entre as afoꝛe is saide. And in case þ the
 tenant foꝝ tearme of lyfe sell the lande &
 dyed, than he in the reuercion shal haue
 the said writ. And in case that þ tenaunt
 foꝝ tearme of life be impleaded, and the
 land be recovered against hym, and dy-
 ed, than he in the reuercion shal haue þ
 sayd writ in the post. And note ye, if the
 reuercion of a tenant foꝝ tearme of lyfe
 be graunted to a man, and the tenant foꝝ
 tearme of lyfe make feoffement, & dyeth.
 It is said that he to whom the reuercion
 is graūted, noꝝ his heire may not haue þ
 sayde writ: foꝝ that, þ he is a purchasour
 of the reuercion, & not lessour noꝝ heyre
 to þ lessour. And note ye, that this writ
 lyeth not foꝝ hym in the reuercion after
 the death of the tenant in dower, oꝝ by þ
 courtesy, foꝝ they are not tenātes foꝝ life
 by lease, but by the law. But if tenāt foꝝ
 yeres, oꝝ the Gardeyne by knightes ser-
 uices sell, than the lessour oꝝ the Infant
 shal haue assyse of Pouel disseysō, and
 not this writ, as it appeareth by þ Statut
 of Westm. 2. Ca. 25. whiche beginneth:
 Quia non est aliud breue &c. And þ pro-
 ces is in this writ, & all other wyttes of
 Entre,

Entre, graund Cape, & petit Cape. And note ye, that this writ of Centre may be made in the *per cui et post*, as a writ of Centre or disseison. And note ye, that in euery writ of Centre in *h post*, the writt shall say. *Et vnde queritur &c.* and in no other writ within the degrees. And Also in euery writ of Centre where a man demaundeth of the possession of his auncestour, he ought demaunde by title: *quod clamat esse ius &c.* but of his owne possession he shall make no tytle. Except it bee where the woman demaundeth her herpytage, or maryage that was solde by her husbände, or her dower of her fyfthe husbände solde by the second husbände.

Addicion.

A man made a feoffement of his lande by Chartour, which was deliuered into an indifferent mans hand vpon such condition that if he pay. xx. li. to the feoffee at such a day, that he may enter in his lāde, & that the Chartour to hym be redeliuered, if not &c. In this case if the feoffour pay the money at the day assigned, & the feoffe holde the land after the daye, & obteyne the dede, the feoffour that haue the said writ & after the money to be payde.

The husband & the wyfe let landes to one for terme of yeres, & husbände dyeth and the lessee held after his terme, & dyed after

9. s. c. 3

In. 8. d. 78

It caus.

after his death shall haue this writ. And note ye: that it is saide that the auncestor selfe shall not haue this writ: for that that he shall neuer be receiued to disable himselfe. Quere. And note ye: that this writ Quere, may be made in þ per Cui, et post, as oþther writtes of entre. And the proces, is Proceſs Somons, graund cape, and petit Cape.

¶ Addicion.

In this writ it was supposed, that the tenant hath no entre but by his auncestor that demised to the tenaunt. The tenant said that he entred by one þ. and not by his auncestour and that was holden no plee, for he oughte to trauers the demise & not þ entre, wherfore he said that he entred by þ. wout that, y his auncestour let

¶ Note ye: that in this writ of *Dum non fuit compos mē. is*, omission of discente of hym that might tende the estate of the partye of the demandant, shall not abate þ writte though that he suruiue him of whose seison he demaundeth, excepte that he was seised, or had released, or had made felony, or had issue in full life.

¶ Note ye: that if one bring out of hys mynde make a feoffement in fee, after his death his heire may enter, for the yssue was takē bpō þ being out of his mynde.

¶ A writ de Ingressu dum fuit infra etatem

D.i.

Ver

C. 18. E. 3

D. 12. E. 3.

C. 12. E. 3
In. 36. H. 6

Natura

**Writ de in
gressu huius fu
it infra etate
is such**

Rex vic. salutē. V. dec. A. quod iuste et redd. B. qui plene etatis est: ut dic. duas acras terre cōpiti in A. quas iorm B. ei dimisit dum infra etatem fuit, ut dic. Et nisi fecerit et. teste et.

This writ lyeth where one being with in age selleth his lande to him descended or of his owne purchase in fee, or for terme of lyfe, when hee commeth to hys full age, hee or his heire maye recover by this writ, but it is convenient that hee be of full age the day of hys wytte purchased, but if the Infant let hys land for terme of yeres, and after he make a confirmation, or releas wⁱⁿ age hee shall not haue the said writ, whē he cometh to his full age, but he maye haue in this case assise of Pouel disseison: for that y^e the Infant made no livery of seison. And note ye: that if lande in fee symple be solde by one beinge within age, the heyre of the seller shall not maintaine the sayde writ beinge within age, noz no writ of entre except it be within the case of the statute of West. 2. Capitu. 46. whiche beginneth. Durucu essement que nul et. Also if the father beinge within age sell lande to him descended in taylor and dyed hys issue shall haue a forme done in the dyssendz, and not the sayde writ. And note ye: that if an infant sel his lande, he may entre against his owne feoffement, & yf he be

he be put out, hee shall haue assise of *Pro-
uel* disseison when he cometh to his full
age, but when he cometh to hys full age
it is conuenient for hym to purchase the
saide writ. And note ye: y an infant shal
reouer in a writ of righte, or anye other
writ according to his case, for such lande
that he hath of his owne purchase. And
also an infant shal bee charged to attour-
ne by a writ that is called *per que seruicia*, vt
patet per *Johannem Coplande termino
Michael. An. 25. C. 3.* But it is saide that
he shall not bee charged to attourne by a
Quid iuris clamat. And note ye: that an In-
faunt may maintaine a writte of *Entre*
vpon a disseison made to himselfe. And
note ye: that if. ii. bring a writte of ryghte
as heires, the one being within age the
plee shall tary vnto her full age. If a man
bring a writ of possession, as a writte of
Eyle, *Cosinage*, or assise of *Mordaunce* &
four, and the tenant in any of these ac-
tions saie, that his auncestoure was seyled
of y same land in his demene as of fee,
after whose deth hee entreth as sone and
heire, & praye his age, if y trouthe bee so he
shal haue his age. Other wise is in assise
of *Prouel* diss. for that, that the diss. was
his owne wronge. If an Infant bringe
any writ of possession agaynst one of full
age, he shalbe answered, as in a *Formdo*

Natura

in the discender if his aūcestour dyed seysed as of fee taile: soꝛ that, ȳ it is in place of Assise of Mōdauncestour, but if there be pleaded against him in the dede of bys aūcestour with asses by discent, the plee shall tary: soꝛ that, ȳ he within age maye not confesse noꝛ deny the dede of bys aūcestour: But if in assise of Mōuel disseison, the dede of the father of the Infant with a warraunt be pleaded against hym the assise shall be awarded soꝛ ȳ auantage of the Infant to enquire of the Circumstances of the dede (that is to saye) (if it be the dede of the aūcestour. And if it so bee that the aūcestour was of full age, and of good memoꝛy, & if the lande passed by the dede oꝛ not, and if he be heire to hym and soꝛ these matters afoꝛe looke the statute of Gloꝛ, Capl. 2. whiche beginneth. Si enfant deins age. &c. Note ye: that an infant shall aunswere where he is feoffed within age, & euerye other case where he is in of his owne Intrusion. The same lawe is in a writte of Dowry where the heire to bouches to warrāty. The same lawe is in appele if he be of ȳ age of, xiii. yeres. And note ye: if an infāt sel his lād reseruinge certayne rente, and at his full age he receiueth the rent, he shall bee barred of his accion. And note ye: that an infant may not sue an appele: soꝛ that: ȳ he

he maye not suffer imprisonment, & also
foz that, that he may not make raüsom.

¶ Addition.

¶ This writ was brought in G. the te-
naunt said that the blage of that towne D. 13. C. 3.
is, when a man can count. xii. d. & mesure
a yarde of cloth, then hee is of age to sell
his lande, of suche age was the demaun-
dant when he demised: and foz that, that
he put not the age to certaine, so that the
demaundaunt might haue answer, to þa
warded was that the demandant should
recouer.

¶ Note ye: that if the husband and the D. 14. C. 3.
wife do sel land that he hath in righte of
the wife both beinge within age, after
the death of the husbände, the wife shall
haue a *Dum fuit infra etatem* and this is in a
writ of wast.

¶ If the husbände and the wife purchase D. 11. C. 3.
lande iointlye þ wife being within age,
and the husband and þ wife selleth al the
lande, the husband dyed, the wife shal re-
couer the hole by this writ.

¶ Note ye: that it is saide by Hake in E. 12. H. 4.
assise, that an Infant of the age of. xviii.
yeres may be a disseisour with force & ar-
mes, & be imprisoned and answer to the
wrong made by him. &c. and if the infant
pleade in barre (as he wel may) and a ty-
tle is made against him, he shall answer

Natura

to the title, or otherwise the aduise that be taken and if hee replie againste the tytle whiche is founde against him, it shal not be enquired if he hath anye other matter against the title, and that is for the w^og that is supposed in his person, but when he is pleinrife, & a barre pleaded against him the courte of office shal enquire for y^e infant: for that, y^e he knoweth not his best right, & the courte hath power to enquire for the tendernes of his age.

29.9.C.4.

Note ye: that it was holden by all that iustices, that y^e circumstaunces of a deede pleaded against an Infāt, shal not be enquired in a writ of Centre, nor in no other writte, but wher there is a iure of the first daye for the *venire facias* is to trye one point certaine.

CA writ de Ingressu super dist.

in le quibus.

A writ de ingressu super dist in le quibus is suche

Rex v^o salutē. Dicit. B. qd̄ se reddidit. B. unum mess cum parciū in A. qd̄ clamat esse suū & heres suam & de quo idem B. iniuste & sine iudicio disseiuit C. p^om̄ predicti B. cuius heres ipse est post primam transitū domini regis &c. In vascoff &c. Mel sic. In quod idem A. nō habet ingressum nisi per C. cui vassallū dicitur quā in iudicio disseiuit A. patrem predicti B. vel ante cessorem & cuius heres ipse est post primam transitū ianem &c. Mel sic. In quod idem A. nō habet ingressum, nisi per dimissionem quam C. inde fecerit B. patri &c. predicti B. cuius heres &c. post primam &c. Et vade querit &c. Teste &c.

Ily

This writte lyeth where a man is dys-
seised, & dieth. his heire shall haue the
saide writte against the same disseisour.
And note yere this writ is not giuen but
only for the heire of h^e disseisy (in what de-
gree so euer he be.) And in this writte
the demaundaunte shall make tytle as
heire from the auncestoure that was dis-
seised. And note: that this writ shall not
tary for the nonage as appereth by h^e sta-
tute of Westm. 2. Ca. 46. whiche begin-
neth. *Barren est ensement. &c.* It is said
if the foresaide writ be broughte againste
the yssue of the aliene of the disseisour (yf
he be within age) then the plee shall not
tary: for that: y^t it is not within the case
of the said statute. And the Proces is in
this writ, and al other writs of entre y^t **Proces**
are ple of land, and beginneth *precipe quod*
reddat &c. *Homons, graunde Cape, & petit*
Cape. And this writ shal say: *de quo vlti*
qbus A. dis. B. p^{re}m &c. cui⁹ heres ipse est.

Addicion.

Note ye: of what thinges a man shall **H. 6. C. 37**
haue the saide writ, he shal haue the saide
writ of a Gozge.

If a fishing be graunted to an Abbot
& he vse the fishing in seueraltpe, if he bee **M. 13. C. 3**
disseised & died, his successour shall haue a
writte of entre for the grounde.

D. iiii.

And

Natura :

L.4.C.3

And note ye: y a man shall haue the said w^{ritte}. *precipe quod reddat pasturam ad duos boues* and this is to be intended that this w^{rit} lieth not against the lord of the ground, for against him lyeth the *Quod permittat*.

C.3.C.2

A man shal not haue the saide w^{rite} of *precipe quod reddat passagium ultra aquam* agaynst him that hath y course of the water, but a *Quod permittat*.

M.7.C.3.

A man shal haue this w^{rit} *precipe ere. quod reddat balliuā ad custodiendum per eū de L. cū priñ quā clamat esse ius et hereditatem suam*.

P.4.C.4

Note ye: that a man shal haue a *precipe quod reddat* of a thing that lyeth in giuing as land, rent, and such like, but of a thig that lyeth in taking o^r sufferance to ble otherwise is as of Comon, Estouers, & such like whereof the party shall haue as a lise o^r a *Quod permittat*.

A w^{rit} de ingressu super
diff. in per is
such

CA w^{rit} de Ingressu super in per.

Rex vlt salutē, Dec. A. qd iuste et sine dilatio ne redd B. vnum mess. cum pertiñ in P. quod clamat esse ius a hereditatem suam, et in quod idem A. non habet ingressum nisi per C. qui inde intrasse et sine iudicio disseisuit E. patrem predicti B. cuius heres ipse est post primam transse domini D. et. et vnde queritur, &c.

This w^{rit} lyeth where a man is disseised of hys free holde, and the disseisour sel to a straunger, o^r if the disseisour dye and hys heyre entre, than the dysseisour

seisse oꝝ his heire shall haue the foresayde
 writ against the alienour, oꝝ againste the
 heire of the disseisour. And note ye: that
 liuing the disseisour no writte of Entre
 lyeth foꝝ the disseisie but onelye assise of
 Nouel dist. And the writ of Entre shalbe
 Et quod idē A. non habet ingressū nisi p
 B. qui illud ei dimisit qui iniuste. &c. And
 if the disseisour sel the lande, and dyethe,
 he to whome the lande was sold sei to a
 nother, oꝝ in case that the disseisour dye,
 and his heire entre, and the heire dy, and
 his heire entre, than the disseisour, oꝝ hys
 heire shal haue a writte of entre sur dys
 seison in the Per, et Cui. And the writte
 shalbe thus. Et in quod nō habet ingressū
 nisi p J. S. cui. B. D. illud ei dimisit qui
 inde. &c. And note if the disseisour sell the
 land, and dye, and he to whō the lād was
 sold set to another, & the secōde aliene sell
 the lande to another manne, oꝝ in case
 that there be thꝛee discentes of the dissei
 sours part, thā the disseisye, oꝝ his heyre
 shal haue a writ of entre in the post, and
 the writ shalbe. Et in quod non habet in
 gressū nisi post disseisinā quod B. inde in
 iuste. &c. And note ye: that. v. things put
 teth the writ of entre out of his degrees
 (that is to say) Intrusion, Eleccion, dis
 seisin vppon disseisin iugement & escheit
 First Intrusion is, where the disseisour
 died

Dyed seysed and a stranger abate, the disseisye or his heire shall not haue a writ of Entre in the Per, but the writ shalbe in the Post: for that, that the abatour is not in by discent, nor by purchase, but onelye by his owne wronge. The seconde cause is Eleccion, and that is where the disseisour is a man of religion & dieth or is deposed and hys successour entreth, the disseisye or his heire shall not haue a writte of entre in the Per, but a writte in the the post, the cause appereth. The thyrde is iudgement, and that is, where a man recouereth against the disseisour, and after the disseisour dyed, the disseisye or hys heire shal not haue a writte of Entre in Per, but in the post. The fourth is disseisin by disseisin, & that is wher the disseisour is disseised, & died, the firste disseisye or hys heyre shall not haue a writ of Entre in the per, but in the post. The fift is escheite, and that is wher the disseisor dieth without heire, or doe a felonye, for the which he is attainted, and dyeth. The lord entreth as in his Escheite the disseisye or hys heyre shall not haue a writte of entre in the per, but in the post, the cause appereth. And note ye, that the writte of Entre in the post is geuen by the statute of Parl. in the last chapiter, which beginneth. *Provisum est &c.* And the proces is

Homons

Proces

Homons, graund cape, and petit Cape.
And note ye : that if the issue bringe a
writ of entre in þ quibus, & the tennaunte
plede in barre a feoffement of the same sa
ther the issue shal not be charged to an
swer to þ dede, but he shal haue his writte
for þ: that this is no barre, but it is a tra
uers to the writte.

**A writ de Entre sine
assensu capituli.**

Rex vobis salutem. Prec. d. qd iuste et recte B. ab
bati sancti Augustini de p. vnam mess. cum p
titi in p. qd clamat esse tas monasterii sui p. d. c.
Et in qd idē d. nō habet ingressū nisi p. C. quodā
abbatum monasterii predicti qui illud ei dimisit
sine assensu et voluntate capl monasterii predicti,
vt dic. Et nisi fecerit, et predictus B. fecerit ec.
Et habeas ec. Test: ec.

A writ de en
tre sine assensu
cap. 13 luche.

This writte lyeth where an Abbot or
Prior, or any such that hath couent
or comon sele selleth land or tenementes
that he hath in the righte of hys church,
withoute the assent of the couent, or cha
pitour & dieth, then his successoure shall
haue the laide writ. And knowe ye : that
this writ may be made in þ per, Cui, or
Post, as it appeareth by the register. And
the proces is as in the writ next afoze.

Proces

**A writ de Ingressu sur
cui in vita.**

Rex vobis salutem. Prec. d. qd et recte B. a fuit
vobis d. vna mel. cum p. titi in p. quod clamat
esse ius et heredit suā C. in quod id. d. nō habet
in vita is sus

Natura

ingressum nisi per predictum D, quondam bles
ipsum B. qui illud ei dimisit, cui ipsa in vita sua
contra dicere non potuit, ut dic; Et nisi fecit &c.

Proces

Thus writt lyeth where a woman is sei-
sed for terme of lyfe in taylor, or in fee
simple, and take a husband, and the hus-
band sel the land and dyeth, the wife shal
haue the foresaide writt. And the Proces
is graunde Cape and petite Cape. And
note ye: that in this writt she shall make
title, and the writt shall say: *Quod clamat esse
ius et hereditatem suam*: notwithstandinge her
owne seylon. And if the wife hath other
estate then fee simple as for terme of lyfe
the writt shall say *Quod clamat tenere ad terminū
vite sue*, and of fee taile. And in case that
the husbände & the wife purchace toget-
ly, and the husbände sell all the lande and
dyeth, the wife shal haue the sayde writt &
reouer the whole. And by the statute of
West. 2. Ca. 3. which beginneth. In ca-
su quo vir, &c. wil that if lande which the
husbände hath in the right of hys wife be
reouerred againste the husbände and the
wife by default, after the death of the hus-
bā the wife shal haue the foresaid writte
and the tenaunt shall shewe the matter
of his first writt, to whiche writt the wyfe
shall haue answere, and if it be founde y
the tenant hath no right, then the wyfe
shal reouer by the saide writte. But if a
man

man recover against the husbande by the
 the land that he hath in right of his wife
 by default or action tried, & the husbande
 dieth, the wife shall haue assise, and not by
 saide writ: for that: that she was not par-
 tie to the iudgemente. And note ye: that
 where a man is a stranger to iudgement
 he may haue trauers to the title comprised
 in that iudgement, as in case that I bring
 a Formedon, & the tenaunt say, that ano-
 ther time he broughte assise of No. dist.
 against B. and recovered of the gyste of
 whiche he bringeth and this action was
 meane betwixt the disseison made to him
 and his recouere, & demaunde iudgement
 &c. the demaundant saide that by such a
 recouere you maye not deferre the gifte,
 for ye wer not disseised, and y am I redie
 to auerre &c. & that was thoughte a good
 plee, but the partie that is priuy shall not
 haue suche an auerment: for that: y he is
 helped by attainte, Errour, or Disceite,
 after hys case, and so no mischief to
 him. And note ye: that if the wife bring
 her writte of *Cui in vita*: against the feoffe
 of her husbande, and the feoffe vouches to
 warrante y heire of the husbande that is
 within age, the plee shall not tarpe vnto
 his full age: for that, that it is remedied
 by the statute of West. 2. Ca. 40. which
 beginneth. *Cū quis* &c. But otherwyse
 is, if

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If the wife bring her *Cui in vita*: in the
 per. & *Cui*, and the tenant voucheth him
 to warranty by whom his entree is sup-
 posed and he voucheth over the heir of the
 husband that is within age, and praye y
 y plece may tary vnto his full age, in this
 case the ple shall tary: for that, that the
 same statute is not otherwise entended
 but where the alperie of the husband vouch-
 eth to warrant the heir of the husband.
 And note ye: that this accion lyeth for y
 heir of the wife, for if the husbande sel
 lande that he hath in righte of his wife,
 and the husbande and the wyfe dyed, the
 heir shal haue the sayd wyrt. But if the
 wife be tenant in taile, and the husband
 sell o2 the husbande & the wife lose by de-
 faute. It is sayd that the heir shall haue
 a *Formedon* in the descender, & not a *Cui*
in vita. And note ye: y yf the issue byynge
 the sayde writ of sur *Cui in vita*, of the sale
 made by his father he shal not be barred
 of accion by the warraunte of his father
 only without that he hath to y value of
 Fe simple descended to hym fro his father
 y made the warrant. And that is gyuen
 by the statute of *Gloc. Ca. 3.* Which be-
 ginneth. *Estable est ensement se* And in
 case y the husband let land that he hath in
 righte of his wife for terme of yeres and
 after make a *confirmaciō* for terme of lyfe
 o2 in

or in fee, & the husbände dyed it is saide y
 y wife maye not haue the *Cuius*. But al
 lise of Nouel diss. no; the heire of y wife
 after the death of the wife shall haue the
 saide writ, but a writ of Centre sur dissei-
 sin for the writ shal not suppose such sale
 to bee made by confirmation, no; by re-
 lease.

¶ Addition.

¶ This writ of a *Cuius* was, *quam cla* H. 42. C. 1.
mat tenere sibi & heredibus de corpore &c.
 and sheweth not of whose gift, wherfore
 the writ abated, but in a *Quod ei deforceat* he
 shal not shewe of whose gift.

¶ The said writte supposeth that the te- H. 19. C. 1.
 naunt hath no entre but by one S. & the
 tenaunt saide that he entred by the sayde
 S. & one A. his wife iugement of the writ
 yet the writ is good, for though he that the
 husband made a demise to S. & A. bys
 wife, & they demised ouer to the tenaunt
 yet all shalbe counted the demise of y hus-
 band, wherfore the tenaunt pleded to y
 accion. But if S. & A. had demised by fine
 otherwise should be, and that the tenante
 should haue pleded so.

¶ The said writ was broughte against y H. 33. C. 3
 husband and his wife, supposing that the
 wife hath no entre but by one J. to whome
 the husbände of the pleintife demysed &c.
 the tenauntes said that the husband and
 the

Natura

29.36.C.3

the wife entred by the saide Iudgement of the writ, & that plee was not allowed wout traiderling y^e wife onlpe entred.

If the husbände and the wife, and the thirde purchace tointly, and the husbände sel al the land and die, the wife shal not haue a *Cui in vita* living y^e thirde: for that that they may ioyne in a writte of righte but if the thirde die, she shal haue a *Cui in vita* of the whole, but if the purchace was afore the mariage, then shee shal haue a *Cui in vita*, but of the halfe, no moze than a *Cui ante deuorcium*.

9.C.2.Lt.all.

If the husbände be seised of lande for terme of lyfe in the right of the wife: and therof make a feoffement by force wherof he in the reuersion entre, and the husbände died, the wife shal haue the lande againe.

29.10.C.3
29.7.C.3.

If the husband discontinue lande that he hath in the right of his wife, and dye, if the wife accept part of y^e lande in name of dower: quere if she shalbe barred,

29.34.C.3.

If a man giue lande to a woman vpon condicion that she shal sel the land, & to distribute the money for the soule of the feoffe, the wife taketh a husband, & after the husband and the wife sel the land and distribute the money according, the husbände died, the wife shal not haue a *Cui in vita*.

¶ *Writ de ingressu cui ante*

deuoz.

Rex die salutem. Precipio quod reddas B. si fuit vxor
C. vxor meum cum pater in A. quod clamat esse ius
et hereditatem suam, et in quod idem A. non habet ingre-
ssum nisi per predictum C. quando dicitur ipsius B. qui
illud ei dimisit cui ipsa ante deuozem inter eos cele-
bratum contradicere non potuit, ut dicitur. Et nisi
fecerit. Et habetas etc. Teste etc.

This writ lyeth wher a manne selleth
lande that he hath in the ryghte of his
wyfe, as afoze is said in the *Cui in vita*, and
afterwarde a deuozse is had betwixt the,
than the wyfe after þe deuozse or her heire
shall recouer agaynst the feoffe his heire
or his assignes, or what parson soeuer y
is in the lande. And this writte may bee
made in the Per, Cui, or Post. And the
Proces is, as in the writ next afoze.

¶ *Writ de ingressu causa matri-
monii prelocuti.*

Rex die salutem. Precipio quod reddas B. vxor meum.
Cum pater in A. quod idem A. et dimisit causa ma-
trimonii inter eos prelocuti, qui eam duxisse de-
buit in vxorem et nondum duxit ut dicitur. Et nisi
fecerit etc. Teste etc.

This writte lyeth wher a woman ge-
ueth certayne landes tenementes, or
rentes to anye manne vppon condicion,
that he shall marrye the sayde woman
withyn a certayne, tyme, yf the man wyl
not mary the said woman withyn þe sayd
tyme (betwixt the assigned) noz if þe man

Disa-

Disa-

*Writ de in-
gressu cui ante
deuozem is such*

Proces.

*Writ de in-
gressu causa
matrimonii
prelocuti is
such.*

Natura

disableth himselfe as in takinge of ano-
ther womā to his wife in p meane tyme
oz be made a priest, so y the may not take
him to husbāde according to the con-
dicion, the oz her heires shall recover the
sayd landes against the saide man, oz a-
gainst whosoever be in the land, by this
said writ, for this writ may be in p. Per,
Cui, oz Post. And note ye: that it is
conuenient that this condicion be made
by indenture, oz other wise this writ ly-
eth not. And the Proces is as in the cu in
vita.

Proces.

Addicion.

W. 7. C. 3.

In a cui in vita, the ternaunt sayd, that the
sayd R. her husband gaue the same landes
to the wife: now demaundant. causa
matrimonii prelocuti: & after toke her to
wyfe, &c. And so the effect of the gilt &c.
Deuon. If a man geue lande to a womā
by fine, & the next day he mary her, sup-
pose you that the fine is voyde: which pro-
ueth that by the espousels, p. gilt is not
graunt is not defeated.

A writ de intrusion.

REx viē salutem. Writ d. qd et. recd B. hoc
mess. cu pertū in p. qd clamat esse ius e here-
ditate suam, e in qd idem B. non habet ingressū
nisi per intrusionem quā in illud fecit post mortē.
C. que fuit vxor B. que illud tenuit in dōmū su-
bono predicti. C. quondam vxor sui patris
predicti. B. cuius heres ipse est. Et sic.

all for the use of the church.

¶ This writ lyeth where the tenant for
 terme of lyfe or of another mans lyfe,
 tenant in dower, or tenant by courtesy
 for death seised of certayn landes and te-
 nementes, and a stranger entre be in
 reuercion shall haue y writ againste
 the abator, or agaynst whosoever that
 is in the lande after the death of such te-
 nants. And note, that this writte maye
 be in the Per, Cui, or Doff, as other
 writtes of Entre. And note ye: that al-
 lise of Portdauncestour, Ayle, Colnage
 Allise of barraine presentment, and ^{super}
 obit, are called writtes of possession, in
 whiche writs a man shall recouer dama-
 ges, Costes, and the issues of the land or
 tenement demaunded. And note ye: that
 a writ of intrusion in the time of vacaty
 on shalbe maintained for the successor
 against the abator that is in, in any lād
 or tenement y belong:th to hys church
 after the death of his predecessour, & that
 is geuen by the statute of Mar. Capitū **Proces**
 ultimo. And the Proces is as in the **en** in

¶ **Addicion.**

¶ The graundfather, father and y sonne
 are, if the graundfather let land to the fa-
 ther for terme of his lyfe, the graundfa-

E.ii.

ther

7.7.C.11

Natura

ther & tht father died, & a straüger abate
the sonne that haue a wyrt of Intrusion
and declare of the leison of the graüdfather
and make discent by his father.

¶ D. 6. C. 2.

If landes bee let for terme of lyfe the
remainder ouer no fee, the tenant for life
dyed a straüger abate, he in the remain-
der maye chose to haue a scire facias, or a
wyrt of Intrusion.

¶ I writ de In-
gressu ad com-
munē legē is
such,

¶ A writ de Ingressu ad comunē legem.
¶ Ex viē salutē. p̄ter. B. qd̄ iuste e sine om̄i
ne reddō B. vna bouatā terre cū p̄rti in A.
quam clamat esse ius e heredit suā e in quā idē
A. nō habet ingressū nisi p̄ E. que fuit d̄or. D. qd̄
illā ei dimisit, e quā tenuit in p̄rtē de dono p̄re
dict. D. quondā d̄ierat, p̄re p̄dicti B. cui heres
ipse est: de d̄it. Et nisi ec. Et habeas ec. adde ec.

¶ This writ lyeth where the tenant for
terme of life, or of anothers life, tenāt
by courtesye, or tenaunt in dower, make
a feoffment in fee, and dyeth he in p̄ re-
uercion shal haue the foresaie wyrtte a-
gainst whosoever p̄ is in the lande after
such feoffment made. And note p̄r: that
this writ may be made in the p̄er, Cui,
or Post. And note p̄r: that it is gotten by
the statute of Westmīster. 2. Cap. 31
Whiche beginneth. In casu quo vir. &c.
¶ If tenaunt in dower, or by the courtesye
loseth by default and dyeth, he in p̄ reuercion
shall haue the said writ, but if the tenant
by the lawe of Englande make a feoffe-
ment

ment, by lose by defaute, & dyet, he in the
 reuoceth inay recover by assise of Mort
 d'ancestour, Ayle, by Tresnage, notwithstanding
 the seison of the tenant by the
 courtely, as it appereth by the statute of
 Glouc. Cap. 7. Which beginneth. Stable
 & quiet tenure by assise, wher he might haue
 had the writ of entree the common law. **Proces.**
 And the Proces is as in other writtes of
 Entree.

Writ de Entree.
 In a writ of Entree the comrolaw, **Writ de Entree.**
 the writ shewed not the deathe of a ten-
 nant for terme of life, wherfore the writ
 was abated by iugement & after reversed
 in the kinges benches, for that, that there
 is no other fourme of writ.

Writ de Ingressu in casu p'posito.
 Rex viz salutē p'cepit qd ee redd' B. vni
 R. mesu. cu p'm in p'p'elamat de. et an qd idē
 R. non habet ingt nisi p' C. que fuit vroz. C. i. que
 elud'et d'missis, v' quod illud senit in dote de po
 no p'dicti B. quodam viri sui patris p'icti. B.
 cuius hec ipse ell. qd p' d'missionem p' ipsa C. p.
 lat. B. contra formam statuti. Gl' de communi
 consilio regis Anglie inde p'ouit. factam in feod.
 ob p'fati B. reuerē. Debeat per formam clausolē
 Dati de dī. Et nisi fecerit v' supra.

A writ de in-
 gressu in casu
 p'posito is such

This writte is geuen by the statute of
 Glouc. Cap. 7. Which beginneth. En-
 sement que si femme vade. &c. and lyeth
 where tenant in dower maketh a frosse
 ment.

Natura

ment in fee taylor, or for terme of lyfe of the lesse (lyving the tenaunte in dowrye) he in the reuercion shall have this writte against him that is in the land. And this writ may be made in the Ver, Cul, or Poss, as other writtes of Centre. And note ye that this writ lyeth duringe the lyfe of the wyfe, and not after the death.

¶ A writ de ingressu in con. & uis. & simili casu.

¶ A writ de ingressu in con. & uis. & simili casu is such.

Rex vii. salutem, &c. Nos scilicet. qd. iuste et sine dolo. nos reddidit. &c. v. s. cum p. in. &c. qd. cl. mat. esse ius & hereditate sua, et in quod. in. &c. non habet ingressum nisi per C. qui illud tenet per legem Anglie post mortem G. quondam. v. s. oris sue matris predicti B. cuius heres ipse est. Et que post dimissionem per ipsam C. prefatam B. inde faciam in. &c. in. &c. prefatam B. reuerit. debet at per formam statuti in consimili casu promissum. Et nisi fecerit &c. &c. &c.

This writte is taken by the equitie of the statute of Gloce. Capit. 7. and lyeth where the tenant for terme of lyfe, or by the courtesy make a feoffement as afoze is said, he in the reuercion shall have this writ against whosoever bee in the lande during the life of the tenant by the courtesy, or tenante for terme of lyfe & not after their death. M. 12. C. 3. And this writt maye be made in the Ver, Cul, or Poss, And the Proces in these two writtes is Somons, grandee Cape, & petit Cape.

¶ A doubleton.

Note

Note ye: that this writ was maintey-
ned by the tenant in tale in y^e reuerdis
and the writ made mention of the tale.

Note ye: that this writte was purcha-
sed during lyfe of the tenant for terme
of lyfe, and hanging the writ the tenant
died, yet the writ was alwarded good,
for that, y^e he was a stranger to the writ
e also y^e actions broughte of y^e alienacion.

If a man let landes for terme of lyfe, y^e
remaynder to another in fee by fyne, the
feoffante for terme of lyfe made a feoffe-
mente in fee, he in the remaynder in fee
brought the said writ and the writ was
good by the opinion of the court.

Note ye: that the graunt of the re-
uerdis brought the said writ, and was
iudged good: er assignatione &c.

A writ de cessant per biennium.

Rexit salutē. P^{re}ter A. qd ec. redd B. unum
mess. cum pertin in p^{re} qd id B. de eo tenet p^{re}
terra servitia. Et qd ad p^{re}lati B. reuertit debeat
p^{re}formam statuti de cōmuni cōsilio regi n^{re} iⁿ
glacinde p^{re}ouisi eo qd p^{re}dictus A. in faciendo
servitia p^{re}dicta p^{re} bienniu iam cessauit. ut d^{ic}.
Et nisi fecerit ec. redd ec.

**A writte de
cessant p^{re} b^{re}o
nium is such.**

**This writte lyeth where my verpe te-
nante holdeth of me certayne landes
or tenementes by the seruyces of ho-
mage and fealcie, & to geue to me euery
yere at certain tearmes of the yere cer-
tayne rente of which seruyces I was sepa-**

L. iiii.

sed

sep by the hande of the tenant, then if he
 cease, of the payment of the sayde rent by
 two hole yeres, so that I coulde not fynd
 a distress in y^e said tenementes. s. no good
 des whereby I mighte distreyn hym to
 haue payd the sayd rent but suffereth the
 landes to lye freshe without mainurace
 after the said two yeres past, the sayd te-
 nementes because of the cesse ought to re-
 uert to me, and then I maye recover by
 this writt against my tenant o^r bys heir
 o^r against whosoeuer be in after the said
 cesse by. ii. yeres. And note : if he against
 wh^o my writt is brought, come in court
 afoze iudgement gyuen, and paye to me
 the arrerages & damages reasonable for
 the said cesse, & fynde surety (as the court
 wyll award) that he shal cesse no moze of
 the paymēt of the rent, then he shal hold
 shil the said tenementes, so that I shal not
 recover by this writt. And note ye: that y^e
 heyre may not maintaine this writte be-
 cause of a cesser made in tyme of his an-
 cestour, no^r shal haue no rent, suite, no^r
 arrerages due in y^e lyfe of bys ancestour
 And also it is saide that thys writt lyeth
 of the cesser of no seruices, but of yere lye
 seruices, as of rent & suche lyke, & not of
 homages, fealty, escuage, and reliefe, for
 these are no yere lye seruices. And note ye
 that if I be seyled of yere lye seruices, &
 the

the tenant cesse the two yerres next after
my death so that my heire was netter ley
fed of the seruices, yet my heire shall haue
the said writ against the saide tenant or
his heire, or against what person soeuer
that istenaunt, & he shal name hym selfe
hepre to hys father in the writ. And so is
the statute of Westm. 1. ca. 21. which be-
gynneth: Cum in statuto apud Glouc. &c.
Addicion.

In a Cessuit the writte was, that one
J. holdeth certaine landes by certain ser-
uices, & that the saide J. hath cessed, & de-
clared that J. holdeth of hym the maner
of M. wherof the Carue is parcel by cer-
taine seruices, and that the tenant hath
no entre but by J. and the writ was chal-
lenged: for that, y he declared that y hole
maner was holden of him by certein ser-
uices, & he assigned the cessour but in the
land demaunded that is parcell of y ma-
ner where he ought to haue assigned the
cessour in y hole maner, & that ercepcon
was not allowed, for the cessour shal not
be assigned but in the land demaunded.

A Cessuit was brought against A. & de-
clared that B. helde of him, and that the
tenements ought to reuert: for that, that
the said A. hath cessed, & the writ awar-
ded good without speaking of any entre.

In a Cessuit be found. iiii. pledges and, An. 31. E. 1.
the

E. 8. C. 3

M. 29. C. 3.

the court awarded if theret be behind
after that the lord shall distrayne in the
lande of the pledges.

2.3. C. 3.

Two coparceners are entitled to haue
a *cessavit*, the one hath issue and dyeth hee
that serueth shall not haue the action.
Otherwyle it is of *seigniorantes*. If the
husband hath a seignior in the ryghte of
his wyfe, & the tenant celle, and after the
housbande dyeth, the wyfe that haue the
cessavit.

2.01. C. 3.

In a *cessavit* the tennant sayde that hee
hath declared in the ryght of his church
in the wite is not comprehended: qd clamat
esse ius ecclesie, sue, & therfore he deman-
ded iudgement, but the ple was not al-
lowed: for y, that the abbot shall not make
tytle in this wite, for that, y it is geuen
by the statute.

2.3. 3.

Note ye: by *Dissof*, that a *cessavit* lyeth
of suite of court yf the lord hath a court,
yf not the tennant may alledge that.

2.17. C. 3.

2.10. C. 3.

Cessavit was maintained by an infant:
for that, y it is geuen in place of an owre
notwithstandinge that it be a wyttie of
ryghte in his nature,

2.19. C. 3.

Note ye: that a *cessavit* lieth not for the
donour against the done but yf lande be
geuen in tale the remaynder ouer in
fee, the chiefe lord shall haue a *cessavit*
against the tenant in taile, for that, that
the

the lord shall not be barred by the acte
of a straunger.

CA writ de cessante per bienniu.

Quinde scodi firma.

Per hunc salutem. **Q**uod **A.** qd ec. redd. **B.** unum **A** writ de cess
mel. cum p. in **A.** qd id **B.** eid. **A.** dimisit ad scuit per bienn
scodi firma reddend inde p. annu eid. **B.** scilicet p. nium de scodi
se seu valore mess. p. dicti. Et qd ad ipsu **B.** reuer firma is. such.
ei p. beas p. forma statuti ec. inde p. uis. eo qd p.
dictus **B.** in solutione firme predicte p. bienniu
tam cessauit, ut dict. Et nisi ec. Teste ec.

This writtelyeth where a manne ge
ueth certaine lande in fee simple, or in
fee tayl paying to hym and to his heires
in fee ferme by yere that is to saye rente
or to fynde to him and to hys heyres **C**
flowers, or clothinge, the whiche charge
so reserved to him & to his heires amou
terh to y value of y fourth part at least,
or more, as to the thirde part, or the half,
or the very value of the land or tenement
so charged, then if the sayde fee ferme be
not payd by two hole yeres, nor that hee
may not fynd distress in the said tenement
tes within the said. ii. yeres, then shall he
or his heire recouer against the ternaunte
by y foresaid writ, And note: that no man
may distrain for these charges but where
those tenementes are geuen in taile as a
foze is said, or that they were geue in fee
simple afore the statme of *Quis emptores ter
rarum.* &c. for yf tenementes bee geuen
in fee

in fee simple after the statute aforesayd
a man may not distrain. And note ye :
the veire shal not haue this writ because
of such charge behynde in tyme of his au-
cestour. And the Proces is in thys wyte
gramme Cape, and petit Cape.

¶ A wyte de Cessant de cantaria
per bienium.

¶ Wyte de
cessant de ca-
taria per bie-
nium is suche

Rex vis salutē. Prince Johanni abbat de R.
Quod reddat B. vñ mel. cū pñ in R. q: d.
pat pñicti B. cuius hec ipse est dimisit C. quon-
dā abbati et sacē suis abbatibus de. R. pñicta
ad inuentūm quēdam monachū pro annuat?
pñicti A. e hered eiusdē A. in abbat de R. pñict
diuina celebrat. Et quia ad pñictum B. reuerē
debet per formā statuti de comuni consilio reg-
ni nostri Anglie super huiusmodi dimissione pro-
pñicti quia pñicti? Johānis inuentūm pñictū mo-
nachū per bienium iam cessant, ut dicit. Et nisi fe-
cerit ec. Certe ec.

This wyte lyeth where a man geueth
landes to any churche to sende for the
soul of him and his auncestours and hys
heires, and candel or lampe before the
Sacrement to burne for a certayne tyme;
or to do any almes, viz as to cloth or fede
certaine poore people euery yere, or to do
deuine seruice in any chapelle for theyre
soules. &c. ut supra. And if the saide char-
ges be not done, and that a man may not
fynde distress vpon the ground by two
yeres, then he or his heires shall haue the
sayd wyte after the saide. ij. yeres past, a-
gainst

gainst whosoeuer that is tenant after y
cessour. And note ye: that these writtes
aforesaid may be made in y^e Per, Cui, or
Post but I beleue that this writ may not
be made but in firste degree. And y^e Pro-
ces as afoze is said.

Proces

Addicion.

In a cessant against a prest of chaun-
tera, supposing that he holdeth the same
tenementes of the wife of y^e demaundat
by the seruises to singe euery sondaye in
the yere masse and mattins, & y^e he and al
his predecessours hath holden the sayde
tenementes by such seruises, time out &c.
the which landes to them ought reuert,
for that, that he hath cessed by. ii. yeres, &
for that, that the statute is, quod cōpetat
accio donatozi aut eius heredi, and y^e he
hath not declared that it was donoz, or
of whose gifte he holdeth the lande, the
writ was abated.

29.7.12.

A writte de contra formam collationis
Rex viē salutem Precepte A. abbati de P. qd
ec. reddat B. unū mēl cum pertinē in D. qd ei
dem domui collatum fuit in liberā elemosinā per
predictū B. Et qd per alienacionem per predictū
abbatem contra formam collationis predictē in-
de sacram in feodo ad prefatum B. reuertī debet
per formam collationis predictē, vñ dicit. Et nisi
fec. ut supra. Ecce &c.

A writ de con-
tra formā col-
lationis is
such.

This writte lieth where a manne ge-
neth landes or tenementes, or rents
to

to anye Abbot or priour of any house of religion, or holy church to haue and holde to him and to his successors in pure almes or other wyle to fynde certayne poore people, or to make certayne diuine seruice as afoze is saide in the writ of *cessante euentaria*, than yf the said Abbot or priour, or any of hys successors make a scoffement with assent of the said tenementes to the dysherison of the house or church as for terme of life of the lesse, in taile, or in fee, he that so did geue the sayde tenementes or his heire shall haue the sayde writt against the souerayne of the sayde house or church that made y scoffement, or againste his successor, yf the scoffour be dead, & not againste the scoffe that is tenant of the land, as it appereth by the statute of Westm. 2. Ca. 41. which beginneth *cum statuti dominus rex &c.* and when he hath recovered againste the abbot, than shall goe a writ of execution to the shirefe to deliuer seyson of the land. And y process is *Homons, graund Cape, and perit Cape.*

Addicion.

Note ye: that if auowson be gruen to an abbot in fre almes, and graunt y sayd auowson, at the next auoydance the honour or his heires may present, for that that he may not haue a *contra formam collectionis.*

Process

2. 10. C. 3.

And note per that when he hath recovered against an abbot in this wytte, & hath a *scire facias* against the tenaunt, he may traueis the action of the demaundant in the same point & was tryed afore betwixt the Abbot & the lord, for that, & this recouere byndeth no strangers but parties, as in other cases.

CA writ de forma donationis in the dyscendz.

Rex hinc salutem. Recipe A. quod iuste et recte A. writ de forma donationis. B. vni meum cum pertinet in B. quod C. debet me donationis & B. C. uxoris & hereditibus de corpore B. ipsi en le descendit forium B. et C. exantibus. Et quod post mortem B. is such. B. et C. prefato B. filio & heredi p. d. C. per formam donationis p. d. B. d. debet. Et nisi fecerit et. Telle et.

This writ lyeth in case where a man geneth certayn lands or tenements, or rent in fee maryage, that is to saye to a man with his colyn in maryage, or to a man and his wyfe and to the heires of their two bodies begotte, or to a mā & to his heires of his body begotte (males or females) if that mā or womā, to whome the lande is so geuen hath issue of his body & dyed, & a stranger abate, or if y done make a lease of those lands by fine or without fyne, or yf he bee disseised of those tenementes, or if a man those recouer by default in the kynges court, than after

after the death of the same man to whom
 y land is geuen, his heire of his body be-
 gottē shal haue the saidz writ. And note
 ye: that tenementes in such maner geue
 are called tailed lādes. And note ye: that
 the heire of suche tenauntes shal neuer
 haue other writ of the possession of his
 auncestour, than the said writ, but of his
 owne possession, he maye haue assyse of
 Pouel dist. 02 a writ of entre vpon dissei-
 son accordyng to his case, and y Formed
 in the disceizore is the writ of ryghte to
 the heire in tale. And note ye: that it is
 a good barre in the said writ to plead the
 feoffement of the auncestour with a war-
 ranty, and y the tenant wil auerre that y
 heire hath asses by discente in fee symple
 notwithstanding the statute of We. 2.
 Cap. 1. which beginneth. In primis de te-
 nementis &c. yf the heire in y taile hath
 asses by discēt vt supra, & he hath yssue &
 make a feoffement of the asses that is in
 fee symple, and died though y his father
 had asses by discent and was barred, this
 heire shal not be barred, for every heire
 in the tale is priuy to recouer the land
 tailed except that he hath aduantage by
 discēt in fee symple. Otherwys is wher
 a man maketh a feoffemēt of the land y
 he hath in ryghte of his wyfe in fee sym-
 ple that he holdeth by y courtesy & dieth;
 and

and value in fee simple descendeth to hys
 issue that is heire to the wife, though he y
 the heire sel the fee simple after, and hath
 issue and dyed, that issue shal be barred to
 demaund of the seison of his mother: for
 that, y his father was barred at one time
 And note ye, that if the father tenant in
 taile in possession enter in religion and
 be p^rofessed, his heire shal haue the sayde
 w^rit, & it shal say thus. *Postq^{uam} pater suus
 habitum religionis assumpsit &c.* But if y
 father make a feoffement afore the entry
 in religion, y sonne shal not haue y sayde
 w^rit durig the natural life of his father.
 And it is saide, that if the ternaunte in the
 taile dye without issue of hys bodye, so
 the land is reuertible to the donour, yet
 the wife of the ternaunt in taile shal haue
 her dower. Also it is saide, if lande bee gi-
 uen to a woman & to her heires males of
 her body begotten. if she take a husbnde
 and hath issue female, & the wife dye, the
 husbnd shal not holde by curtesye for y,
 that it is impossible that the issue female
 shal enherite, but if lande bee geuen to a
 man, and to his heires males, it is saide
 that if he hath issue male & dieth, the issue
 hath fee simple. And note, that a manne
 shal laye the takinge of the p^rofites in a
 Formedon in the discender onelye in the
 person of him to whom the land is giuen

Natura

in the taile, & the demaundant in this ac-
cion shal make him selfe heire to the an-
cestour that was last seised. And note ye:
that if y^e tenaunt in taile hath issue a sone
& a daughter by one woman, & a sone by
another woman, & dyeth the sone by the
first woman entreteth and dyeth seised, the
sone by the second woman shal inherite
and not the daughter, for he is moze wo-
thy of blood, & moze neere heire to the fa-
ther to whom the land was geuen, other-
wise is of land in fee simple. And note
ye: how the demaundant may maintaine
the said writ where the tenante pleadeth
that the donoure dyd not geue &c. the de-
maundant may say that he shal not haue
his auerrement, for one J. M. impleaded
my father, & he touched the same J. & en-
tered into the warranty, & pleaded & losse y^e
same land that now is in demaund iudge-
ment &c. And note ye, that in a fornicion
in the descender a warrant of any of the
aunccestours by whom the heire made co-
ueryance is no barre, excepte y^e he hath
land in fee simple descended to the balu-

Addicion.

¶ Land was let for terme of lyfe, the re-
mainder in taile, y^e tenante for tearme of
lyfe dyeth, & the tenant in taile, hath is-
sue & dieth, & y^e issue bringeth a sone. i
the descender, & alledgeth no esple in the
donour

donour, but in the tenaunt for terme of lyfe, & after his death in him in the remainder in taile, & the declaration was challenged, for þat he alledges no esple in þe donour, & the excepciō was not alledged.

Tenant in taile exchaunged the lande tailed for land in fee simple (by dede) and bound him & his heires to warranty, and hath issue & dieth, & the issue bringeth a Formdon & the tenant pleadeth in barre the dede with warranty, & the land takē in exchaunge by way of assise, y was holden no barre, if the heire hath not occupied the land taken in exchaunge after the death of his auncellour.

2n. 13, b. 8

The tenant in taile afore the statute made a release for terme of lyfe, & releasēd afore the stat that is a barre to his heire.

b. 44. c. 3

In a formedon of rent, the warrant of the auncellour with assise is a good barre, yet the rent lyeth not in discontinuance, but at the will of the issue but it is y sonly of the issue to bring his accien.

b. 33. c. 3

Note ye, that if the wise tenat in taile take a husband, and hath issue, and afore the statute they both make a scoffement in fee of the landes and dye in a Formdon the heire shall not be barred, otherwise is if it had been by syne.

E. 4. c. 1

A Formdon. in y disceder was broughte of a knyghtes ser, & the writ was chalen

C. 10, c. 3

A. 11,

ged

ged, soz that, that the fee lyeth not in de-
mean, soz he hath declared that the an-
cestour was seised as of fee & of righte, &
laid the esples, as in homage, escuage, re-
liefe, ward, marriage, and other maner of
issues of knightes fee, as of fee & of righte
& Gerforyd said, that a comō to a certeine
number of beastes noz auowso lyeth not
in demeane, but a *Precipe quod reddat*, and a
writ of right lyeth of a knightes fee, and
by demaunde of a knightes fee I shall re-
cover by chaūce. xx. li. of rent &c. & it was
said that he shall neuer haue other writ.

In. 19. C. 1.

In a fōrmdone the writ was chalen-
ged soz that, that it will that A. & B. hys
wife hath geuen, exception was takē, by
cause that the gyfte of the wyfe is boyde
during the mariage, & Herle sayde, that
if the wyfe after the deeth of the husbāde
had confirmed the gift y was made by her
and her husbāde, than then the gift was
made stedfast, & the writtes was awarded
good. A fōrmdon was brought by J. C.
and J. his wife, as was saide when the
sōne is seised after the death of his father
the writ shalbe. Et que post mortē pdic-
tozum J. et M. fil. & hered. predicti J. de-
fato B. &c. so y they are seised everye one
shalbe made heire to other, but whā thei
were not seised the writ shalbe. Et que
post mortem predictozum J. & M. filie.

In

In a Formedon in the diffender by assent of the parties, a dede was shewed to proue the gifte, & it was such Sciant &c. q̄ ego Hugo Blot dedi concessi &c. Hugoni B. filius Hugoni B. & filiis suis masculis de corpore suo legitime procreatis maneris de B. &c. habend. & tenend. maneriu predict sibi & filiis suis masculis de corpore &c. de capital. dn̄is &c. Et qui corū diutius vixit gaudebit in feodo & hereditate imperpetuu. Et si cōtingat predict Hugones sine herede mascul. de corpore suo legitimi procreat obire q̄ ex tūc maneriu predict &c. mihi & hered. meis reuertatur imperpetuu, and vpon this dede it was demurred in iudgement if the done hath fee simple, or fee tayle, & the opinion of the court was that it was good tayle.

A writ de Forma donationis
in the remainder.

Rex hic salut. p̄t A. q̄ ec. redd B. vñ meū cū p̄m in A. q̄ B. dedis D. et hered de corpore suo exeunt. Ita q̄ si idē D. sine hered de corpore suo exeuntib⁹ obiret predict meū p̄fat B. et heres suis remaneret. Et q̄ post mortem p̄dict B. p̄fat B. remanet debet p̄ formā donationis predict eo q̄ p̄dictus D. obiit sine herede de corpore suo exeuti, vt dic. Et nisi fecerit &c. talle &c.

A writ de forma donationis in the remainder is such.

This writte lyeth where lande or tennement is geuen for tearme of lyfe or in tayle to a manne, & for default of

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issue of his bodye to remaine to another man, as alsoe is sayde, in fee, or for terme of lyfe, than if the tenant for term of life dye, or the tenant in tale dye withoute issue of his body, & a straunger enter, hee in the remainder shall haue the said writ. And in case that the remainder be graunted in tale, & he in the remainder dyeth seised by force of the remaynder, the issue of him in the remainder shall haue no other writ but a writ of Forimdon in the disceder, but if hee in the remainder was neuer seised, the issue shal haue a forimdon in the remainder & not in the disceder. And it is sayd, where land is let for terme of lyfe, the remainder ouer, & the tenaunt for terme of lyfe is impleded, & vouch to warrant bys lessour &c. & the tenant for tearme of lyfe recouer other landes in ba-lue, hee in the remainder after the deathe of the tenant for tearme of lyfe shal recouer by a forimdon in the remainder those landes so recouered, as well as if the tenaunt for terme of life had continued his estate in those landes recouered agaynst him, for that, that the tenaunt for term of lyfe recouered to y value by the same taile vpon whiche the remainder wastayled. Otherwise is of a reuercion, for that, y he hath recouered vpon another dede tha vpon the dede by which the reuercion was gra un-

graunted, but if the tenant had bouched
 hym to whōe the reuerſion was graūted
 becauſe of the reuerſion, & hee had bow-
 ched ouer the leſſour, & had recovered to
 the value, the reuerſion ſhalbe to hym to
 whō the reuerſion was graunted & not y
 leſſour. And note ye, y if tenant in taylor
 make a feoffement with a warrant, or re-
 lease with a warrant, & dye without heire
 of his bodye, ſo that hee in the remainder
 is heire to him, he ſhalbe barred without
 diſcent of allez, for y, that this warrant
 is not reſtreined by the ſtatut. And if the
 tenant for terme of life make a feoffement
 with warrant or release with warrant,
 & dye without iſſue, ſo that he in the re-
 mainder is heire to hym in a ſorindon
 in the remainder he ſhalbe barred by the
 dede with warranty, except that the war-
 ranty be defeated in the life of the tenant
 for terme of lyfe.

¶ And note ye; that after the view the te- Nota
 nant ſhalbee receiued in a ſorindone
 in the remainder to demaunde what hee
 hath in the remainder, and except that he
 hath the writinge to ſhewe, all tymes han-
 gging the plea, he ſhalbe barred, & yet the
 tenant may take no iſſue bypon the dede
 but ought to aunſwer to the gift, & if the
 ſaid writ be brought by him to whom the
 remainder was taylor after the deathe of

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the tenant for terme of lyfe, if he demaunde fee simple, or fee taile, he ought to lay the esplees in the person of y^e donour, as of fee simple, & in the person of the tennaunt for terme of lyfe as of fre holde, but if he demaund by remainder, but for terme of life, he shal lay the esplees onely in the person of him that made the dede.

Addicion.

9.29.D.6.

Cf the remainder be taylor to a womā & shal take a husband, y^e w^{it} shal be ke- manere debet, to the husband, and to the wife, & so it is of a Forzmdon in the reuer to, but in a Forzmdone in the discende it shal be to the w^{it} onely.

13.10.C.31

In a Forzmdon in the remainder, the tenant demaunded what he had of the remainder, & so the other said y^e he brought assise of Pouel diss. of the same landes, & the tennaunt in the assise pleaded in barre and he made title of the same gifte, & the gift was founde, the demaundaunt was indged persō able by the recovery to maintain this accion withoute shewing other dede, & yet the pleyntife toke nothing by the assise, so that, that it was founde y^e the pleintife was not disseised.

31.36.C.3

In a Forzmdon in the remainder, the party nede not shewe no dede vnto y^e party demaunde what he hath of the remainder, but if executoures bzing an accion they

they ought to shew þe testamēt withoute
desyre of the partye defendaunte, for the
court shal not holde plee, except that the
testament be shewed, and that in dette.

CA writ de forma donationis
en le reuerter.

Rex vic. salut. **P**roced. q. ec. redd. **B.** vñ mēf **A** writ de for
cum pertiñ in **P.** **E.** pater predicti, **B.** cu⁹ ma donatio-
heres ipse est debet **D.** & **J.** vñ ei⁹ eius, & heres **D.** nis en le reuer-
corporibus suis exēnt. Et q. post mortē ipso⁹ ter is such
D. & **J.** ad p̄fāt **B.** reuert debet p̄ formā donati-
onis p̄dict co qd p̄dict **D.** & **J.** obierūt sine here-
dibus de corporib⁹ suis exēntib⁹ vt dic. Et nūc
fecerit &c. telle &c.

Thys writ lyeth where lands or tene-
mentes are giuen in the taile as afore
is saide, if the tenaunt dye without issue
where there is no remainer, and a strā-
ger enter in the sayde tenementes, the
donour or his heire shall haue his reco-
uery by this writ. And note ye, that this
writ lyeth after the death of no tenaunte
but after the deth of tenant in taile. And
note ye, that in this writ the espleys shal
be layde in the person of the donour, & in
the person of the done. And the proces in
these. iiii. writs is Homōs, graund Cape,
and petit Cape.

Addicion.

In a Foynedon in the reuerter the te-
naunt saide, that the gift was made to þe
done & to his heires, and assigns iudge-
ment

ment of the accion, & that was holden no
plee without trauesfeng the gift.

E. 17. C. 1.
E. 33. C. 3.

In a Formedon in the reuerter, the te-
nant said that the gift was made to hym
to whom ye suppose the giste in fee with
warrant iudgement it cotrari the dede &c.

E. 18. C. 1.

Note ye, that if the donour hath issue
two sonnes, & the elder sonne dye wyth-
oute issue in the lyfe of the father & after
the father dyeth, if y^e yongest sonne bring
a Formedon in the reuertour, he shall not
make mencion of his bzother, excepte y^e
he suruiued his father.

A writ de Particione facienda.

I writte de
particione fa-
cienda is such

Rex vobis salutem. Si. A. fecerit tunc sum &c. B. &
sit &c. tall die ostensurus. Quare cum idē A.
& B. in simil & pio indeuiso tenent quendam bos
cum in B. cum pertiā de hereditatē, que fuit A. pa-
tris predictorum A. & B. cuius heredes ipsi sūt in
B. idem B. particionem inde inter eos secundum
legē & consuegū nri Angl^e faciendam contradic.
& eam fieri non permitit minus iuste ut dic. Et
habras ibi &c. teste &c.

This writte lyeth in case where a mā
is seised of landes and teneementes in
fee, and hath twoe daughters and dyeth,
or seised of land in Gavelkinde and hath
issue. ii. sonnes, & the one will not make
particion of the landes so discended, y^e o-
ther that wil make particion, shall haue
this writte against her, or him that will
not, so, that, that they are heires to the
sayde

sayd man jointly &c.

Addicion.

In a *particione facienda* against **D.** and **A.** hys wife, of land that descended to them as colyns & heyres to one **R.** the ternaunt saide that **R.** in his lyfe enfeoffed one **J.** in fee, which **J.** infeoffed the sayde **D.** in tale without that, that the plaintife, & **A.** wife of the saide **D.** helde in comon oꝝ vndeuyded the day of the writ purchased oꝝ euer after, and this is a good barre.

An. 39. B. 6

In a *particione facienda* of lande and rent the ternaunt saide that the auncestour enfeoffed a straunger of the lande whose estate the tenant hath, & as to y^e rēt, he said that he was sole tenant, without y^e, that he holdeth vndeuyded, & the plee was challenged in somuche that hee is no tytle to the lande by any feoffement noꝝ other tytle and shalbe inteded tenant as the writ supposeth, and the opinion was, that the ple is good.

M. 4. B. 7

Note ye, that it is saide, that ternaunt in comon ne iointenant shal not be compelled by the lawe to make particon, but if it be made by agreement, it is good as well without dede as with dede.

M. 3. B. 4.

A writte of *Particione facienda* broughte by the husband and the wife againste the oꝝther parcener, and declared how the husbande and the wife as in the right of the wife

P. 8. C. 3

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Wise, & the other percener helde in comō
certaine land & conueied the discent from
the comon auncestou, &c. þ̄ parcener cāe
by Gardein: for that, that she was wȝth
in age, & might not denye that they held
in comon by the maner, but Herle saide,
that he could not see how þ̄ partition can
be made as lōge as thee is wȝthin age by
wȝit but out of the court it may well bee
as in the countrey: for that, ȳ she may de-
feat it when she will.

CA wȝit de p̄munire facias.

**Wȝit de
P̄munire
facias is such**

Rex v̄c Cantuar̄ salutē. Cum in Statuto in p-
liamento dñi regis Engl̄ sc̄bo apud Winton
An. regni sui. 15. tento edito inter cetera ordinatū
sit et stabilitū, q̄ si aliquis impetraverit aut p̄se-
cut⁹ fuerit seu impetrari vel p̄sequi fecerit i cū
Rōm̄ vel alibi aliquos p̄cessus s̄cias, ex omni
cādū bullas instrumenta, vel alia quecūq; que
tangunt nos, coronam regalem, seu regnū n̄m
et illi qui ea in dictum Regnū nostrū detulerint
aut ea receperint, vel inde notificationē, seu aliā
executionē quācūq; infra idem regnū n̄m seu
extra fecerint: ipsi notarii, p̄curatores, manutē-
tores abettatores, fautores, & consiliarii sui extra
p̄tectionē nostram ponant, et terre tenementa,
bona, & catalla sua sint nobis forissach. Et q̄ ipsi
p̄ corpora sua attachient si poterit inveniri, & corā
nobis et consilio nostra ducantur ad respondendū
ibidem super casibus supradictis vel p̄cessibus s̄
at versus eos p̄ p̄munire fac̄ modo quo ordinatū
est in aliis Statutis de p̄ouisoribus & aliis q̄ in
lienis cū in derogationē regalie n̄e p̄sequun-
tur p̄out in Statuto p̄dicto plenius continet. Itē
que

que ex graui querela w. de C. acceperimus qd licet cognitiones pñtorũ transgressionũ, cõscriptũ aliorumq; laicozũ cõtractũ quozũcunq; infra Rñm Anglie qualitercunq; factũ e ppetrat ad nos coronã & dignitatẽ nras specialiter ptineat. Quis dñ tamẽ Robertus C. nup de W. in cõm tuo statum pñdictum minime ponderans machinans nos & coronã nostrã exheredat et cognitionem hñmõl pñtorũ de trãsgressionibus q̃ ad nos & coronã nostrã sic ptineant ad illud examẽ extra regnũ nostrũ pñdictũ trahere & pñdictum w. ac alios de subditis nostris indebite pgrauare & aduersus curiã Rom se diuertebat, et ibidẽ absque licentia nra adhuc residat atq; q̃ plures pñssas sententias & citationes versus ipsum R. ad ipsum w. ac alios de subditis nostris pñdictis extẽ reg. nostrã pñdictã trahendum ad respondẽdũ pñfato pñposito dicta curia Rom extra Regñ nostrũ Angl de quibusdam trãsgt sibi vt dĩt illatis ac quam plura alia nobis et corone nostre pñiudicialia ibidẽ prosecutus fuit eam per J. R. nuper de C. Genẽ apud W. pronuntiari, publicari, notificari, & exẽ demandari fecit et fieri procurauit in nostri contemptum et pñiudiciũ & exheredationes corone nostre periculum manifestum, et ipsius W. dampnum non modicum et grauamen ac contrarium formam et effectum statuti pñdicti. Nos natum illud inuolabit observari, et illud impugnantis iuxta eozum demerita castigari volentes & puniri. Et quia pñdict w. fecit nos secus de clauis suo proẽ per J. B. C. D. de J. tibi pñfimus qd per honos et leg. hoẽs de ballia tua pñiudicet fac pñfate pñposit et J. R. procuratorem, mantentorem, fauorem, consiliariũ, auxiliatorem, et abbettatorem ipsius pñpositi in hac parte: quod tunc sint coram nobis a die Pasche in. xv. diebus

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bus ubique tunc fuerimus in Anglia ad respo-
dendum tam nobis de contemptu & preiudicio p-
dicti p-
dicti w. de dampnis & iniuriis sibi in hac
parte illatis, Et ad faciendū ulterius & recipiendū
q̄ curia nra considerat in premissis. Et habens ibi
nomina eorum per quos eos premunire fecit & hoc
breve nos de die & loco quibus dictam premuni-
tionem sibi feceris sub sigillo tuo distincte & ap-
te tunc circumscribere &c, teile &c

Thys writte lyeth where anye prouy-
sour sueth proces to the court of Rome
agaynst the present of the kyng or of any
other patron, than the present of y kyng
or other patron shall haue, thys writte
whiche shall be directed to the shirife, com-
maunding him to warne the prouisor, y
he do shewe the present of the kyng
or of any other persone. Also these prou-
ysours, procuratours and notaries shall
be attached by their bodyes, and putte in
prison vnto such tyme y they haue made
fyne & raunsome to the king, & gre to the
party. And after y they haue made raun-
some, & gre yet after that they be deliue-
red they shall fynde suerty that they shall
not sue by the selfe ne by other in the court
of Rome ne other places for suche impri-
sonment & raunsome. And if those prou-
ysours, attourneys, executors, procura-
tors, notaries may not be found thā the er-
igēt shall be awarded agaynst the & a writte
shall

shal goe to take their bodyes aswel at the
suite of the partye as of the king, and in
the meane tyme the kinge shall haue the
profites of the saide benefice so by suche
prouisors occupied excepte of abbasses,
pypours, and other houses that haue col-
ledge or couent. And that is geue by the
statute de Anno. 20. C. 3. in the myddes.
Looke more of this matter in the laste
Chapter of the same yere. And also in
27. yere of the same king.

Abbeien.

Note ye, that a *Quare impedit*, brought by
the kyng, and be declared that the defen-
dant hym disturbed by prouision sued to
the court of Rome, and are at issue vpon
that poynte, and founde for the kyng,
yet the iudgement shal not be geuen ac-
cording to the statute, nor the party shal
not haue the payne that is geuen by the
statute, but it is great euidence in the o-
ther wher it brought vpon the statute.

P. 3. C. 5

Note ye, by the opinion of manye, a
manne maye haue thys wytte againste
one, as procuratoure againste another as
counselloure, and agaynste the thyrde at
tourney, and the damages shal be tary fe-
nerally.

20. 36. C. 6

In this wytt some made default, & some
appeared, and so that, that the wytte
was naught it was abated, & no iudge-
ment

20. 5. C. 4

ment geue against the that made defant
And the statute is in curia. Pom. bel ali-
bi, y which alibi is to entende in the bys-
shops court: soz if a man be sued there for
a thing that belongeth to the comon lawe,
he shal haue a *premunire*.

B. 9. C. 4

And note ye, that it hath bene opinson
of many, y if a clerke sue another clerke,
or other man in the court of Rome, of a
thing spirituall where he maye haue re-
medy of that in his ordinarie court w^{ch}
in the realme, that is within the statute,
but I beleue that it is no law. If a lord
court baron holde plee of det. of. rl. s. or a
bone which ought not to bee demanded
but in the kinges court, it is saide that
the lord shalbe in case of a *premunire*.

CA writ de Quare ei deforc.

A writ de
Quare ei de-
for. is such.

Re. vi. salutē. Recipe. I. qd. ac redd. B. vni-
uersi cu. p. in. in. qd. clamat esse ius de rati-
onabili dote sua vel qd. clamat esse ius ad maritagium
suum, vel qd. clamat tenere sibi et hered. de corpore
suo exent, vel qd. clamat tenere ad terminum vite
sue et quod idem. I. et deforc. Et nisi ec. no. dica-
tur iniuste deforcat, quat le iniuste non habetur
in statuto. Nota q. p. tenet per legē Anglie nō
cōtinetur bte in statuto sicut alibi potest man-
tenere per illud statutum in consimili casu.

Thys writte lyeth where tenaunte in
tiple, frankmarriage, dower, cour-
tesye, tenaunte for terme of lyfe, for
terme of anothermans lyfe loseth by de-
fant

saue their landes, then themselves shall haue this writ against him that recouered, or against his heire, or against what persō so euer be in h̄ tenacie. And note ye that this writ in his nature is a writ of right for the foresaide ternautes, for a writ of more h̄e nature then this maye they not haue for their tenementes. And note ye: that this writ lieth for no other person but for him h̄ lost the saide landes. And is giuē by the Statut of Westm. 2. Cap. 3. in the ende: And h̄ Proces is so, *Proces* mons graunde cape, and petit cape.

¶ Addition.

Note ye: that bypon a recouere by de, *T. 1. h. 6.* saue in a writ of wast *Quod desorcast* lyeth not but a writ of Disceyt.

If landes be let to a woman sole for *M. 4. C. 3.* terme of life with warranty & she taketh a husband & they lose by default, a *Quod ei desorcast*, lieth not durig the life of h̄ husbāde, for the writte supposeth that they haue lost wher the husband hath nothig but by reason of his wyfe so was not he tenant for terme of life, & also they shall not haue h̄ voucher, for the writ supposeth *quod clamat ad vitam* of the wife, in which case the statute giueth no suche vouches but where h̄ tenant by courtesy in taylor, or for terme of life lafe. &c. and the husbāde is none of those. But

¶ i.

in

In this case the wife shall haue redempcion af-
ter the death of the husband, but if they
had had a ioint estate, than the husband shoulde
cear lieth.

20.46. C.3.

A man hath issue. ff. fornes, & is seised
of land tailed in Gavelkind: that is po-
ssible betwixt heires males & daughters: they
entre and lose by default, they shall be pure
in a *Quod ei deforcat* and the writt shall be
*Quod clam. et tenere sibi et heredibus de corporibus & do-
rum &c.* And yt is impossible y they shall
haue issue betwixt them.

20.49. C.3.

And note ye: that y demandant shall
not declare of whose gift nor the tenant
shal not haue bearing of y record, if a man
recouer by defaute in a *scire facias*. But of
a fine againste tenaunt in taile, and he
brought a *Quod ei deforcat*, & y other main-
teined the title of his first writt, y tenaunt
in taile may bouch, and yet in y *scire facias*
nisi, no boucher lieth &c.

A writt de warrantia carte.

A writte de
warrantia
carte is such.

Rex vii salut. 13. et 14. qd iuste et warrantia-
re. vñ melli. cum pñ in C. quod de co. tenet
clamat & vñ de cartam suam habet de dicto vel sic
vñ de cartā & patris, matris, fratris, sororis, & de
de singulis cuius heres ipse est, de dicto &c.

This writt lyeth where a man hath en-
fcoffed me in certaine landes or reue-
nues with clause of warranty or re-
leaseth, or confirmeth my estate with
clause of warranty, and y tenaunt is im-
pleaded

pleaded of the same, lands, or tenements
of a stranger, than if the tenant maye
not vouch to warranty, he shall haue y
said writ against his scoffer or his heire
And note per that if this plee be not bego
during the first action, the tenant shall
be barred for ever to haue his writ, Que
re. And the Proces is in this writte So
moris, Attachement & distress infinite, &

Proces

place of the petit Cape.

Addition.
In a writ of warrant of Chartours, y
pleintife declared that y defendaunt hym
ensoffed, & that he was impleaded, & he
prated the defendant to warrat &c. And
the defendant said that the pleintife was
not tenant the day of the writ purchased
iugement &c. And the pleintife said that
he is tenant of the lande, & hath the dede
of y defendant, & that was allowed, but
he was compelled to say that he was te
nant the day of the writte purchased. &c.
But if he had sayde at the first, y he was
tenant by his warrant y day of his writ
purchased, that had ben very good to de
reigue the warranty.

T. 3. C. 4.

If a man recouer a warraty by a writte
of warrat of Chartours, and after he is
impleaded in such an action that he may

T. 3. C. 4.

£. ii.

vouche

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bouche, if he bouche not be shall not re-
 couer in value by force of þe warrantment
 of the warrant, and it was laide, þat the te-
 naunt in taile of rent charge, releffe the
 rent to the tenaunt of the land, and the
 tenaunt make a feoffment of the lande
 with a warrant, the warrant extendeth
 to the rent: for that, that the tenant was
 seysed of the lande discharged.

¶ A writ de Diem clausit extremum.

A writte de
 Diem clausit
 extremum is
 such.

R Et dilecto et fidei suo A. escaetori suo in com-
 A. salutē. Quia A. de B. qui de nobis tenuit
 in capite diem clausit extremum: ut accepimus, vo-
 bis mandamus, quod omnia terrē & tenē de quib⁹
 idem A. de B. fuit seissus in dominico suo ut de
 feodo in balliva tua die quo obiit sine dilac⁹ capi-
 as in manum nostram, et ea salvo custodit fac-
 donec alium tibi mandamus et per serm⁹ probos
 & legalit⁹ hominum de balliva tua per quos rei
 veritas melius sciri poterit diligenter inquiras
 quant⁹ terrē & tenē id A. de B. de nobis tenuit in
 capite tam in dnico q̄ in seruic⁹ in dicta balliva
 tua die quo obiit & quantum de aliis, & per quod
 seruic⁹ & quantum terre & tenē illa valeant p̄ annū
 in omnibus exitibus & quo die idem A. obiit et
 quis p̄quiquior heres eius sit et cuius status.
 Et inquisit⁹ inde distincte & aperte fac⁹ nobis in
 cancellari⁹ nostra sub sigillo tuo & sigillis eorū p̄
 quos fac⁹ fuerit sine dilatione mittas: et hoc bre-
 ue Teste ec.

T Hys writte lyeth by the statute of
 Mart. Capi. 16. which begynneth.
 Si aliquis heres. &c. Where a manne
 bot.

holdeth his lande of the kyng as of his
croune by knights seruice, and dieth, he
that is his next heire or any man for the
king may sue this writ to the escheour
of the same countie where the lande lyeth
and he shal enquer who is his next heire
& quantite of the landes, and the value,
in this writ is no proces, for it is but a
writ of office.

Addicion.

Note ye: that if it be founde diuers of
fices in diuers counties. s. in one countie
that the heire within age, in y other cou-
ty y the heires is of ful age, that, that is
best for the king shalbe taken and y heire
shall haue no trauers to that. 29. 3. 6.

If a man holde of the king by homage
& fealte for all maner of seruices & dyeth
his heire of ful age, and sue a *Diem clausit ex-*
terminum & it is found afoze the escheour y
he holdeth of him by homage fealte and
xl. li. if he sue huere accordinge to the en-
quer he shalbe concluded during his lyfe. 44. li. off.

And note ye: that there is fve maners
of enqueres ordeined after y death of the
kinges tenat. One is y *Diem clausit extremum*
& that is immediate after y death of y te-
nat. The secod is *melius inquirendo*, and y is
where y escheour or the tenant in y *Diem*
clausit extremum dieth, or wher y *Diem clausit ex-*
terminum 31. 4. 7.

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tenetur is not returned. The first is
que plura, and that is where any lands is
 let out. The fourth is *deuenerunt*, and that is
 where the ward dyeth. The fifth is
mandamus, and that is after the year.

¶ A writ de Etate probanda.

A writte de
 Etate probā-
 da is such.

Rex escaetori suo in com. D. salutem. Quia in de
 B. filius A. de B. qui de cast. nostro de B. se
 nait par seruic. militare dicat se puer etatis esse
 et pet. a nobis terras et ten. sua que fuit de hered.
 sua sibi reddi, per quod volumus qd tot. W. apud
 E. datus et in ecclesia eiusde. ville baptizat. fuit
 ut dic. etatem suā probet coram te tibi p. t. p. m.
 qd ad retro. diem et locū quos ad hoc p. t. p. m.
 etis probationē illā per sacm. tam. m. l. p. m. qd
 alioz. proboz. et legal. hoim. de balliu. tua per
 quos p. t. p. m. illa et veritas etat. p. t. p. m. l. p. m.
 pot. et inq. capias, et probationem illā sit cap.
 nobis sub sigill. tuo et sigill. eorū per quos cap.
 fuerit sine dilatione mit. et hoc et. l. p. m. et.

This writ lieth where the heire of the
 kinges tenant by the writ aforesaid is
 found within age, and whā he cometh to
 his full age he shall haue this writ wher
 by he shall proue his full age, and thys
 writte hath no proces for that, that it is a
 writte of office. And note ye: that those
 of the chauncery holde for lawe, that
 if the heire sue his lands out of his kinges
 hands, which was seised by reason of his
 nonage, that he ought sue this writte in
 euery county where he is found within
 age, as it appereth. L. 20. C. 3. And note
 ye:

per that every one that passeth in this en-
quest shalbe of the age of. xlii. yere at the
least. so y he was of full age at the tyme
that he which leeth the writ was bozne.

A writ de Duo minus.

Rex hinc saine. Et ubi qd non permittas
lat. hunc seu distractione in vasso ipsi? B.
in. A. duo minus. A. rationabile essouatui suu
in vasso esse habere possit, sicut illud habere de-
bet & solet, ut dicitur & sicut rationabiliter, &c. Ne am-
pli. inde clamor aud. y defectu iustitie. Et. &c.

A writ de
Duo minus
is such.

This writt lyeth where a man hathe
graunted to another Husbore or hay-
bore in his woodes to take everypere, &
he that graunted may not haue his rea-
sonable Closures, than the graunt shall
haue this writ, and it is the nature of a
writ of Waste: And y Proces is Attache-
ment and a distress peremptory.

Note ye: that Husbore is called certain
Closures in a nother mannes woodes
to amende a house and Husbore is called
certaine Closures to amende hedges,

A writ de ad qd dampnum.

Rex hinc saine. Et ubi qd non permittas
lat. hunc seu distractione in vasso ipsi? B.
in. A. duo minus. A. rationabile essouatui suu
in vasso esse habere possit, sicut illud habere de-
bet & solet, ut dicitur & sicut rationabiliter, &c. Ne am-
pli. inde clamor aud. y defectu iustitie. Et. &c.

A writ of ad
qd dampnum
is such.

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¶ Et vnde accit terre et pñ in qd p fcoffamentis
 B. que idē nō ē ff. nō pñ in qd p. post. hō dō
 terris et tētis ad manum mortuam nō pōnē
 edū acquēterunt. s. q. occasione quidē statuti
 nostris cepit in manu nostram tenere possit
 eisdem magistro et sēbus et fact. suis imperpe-
 tutum iuxta formam fcoffamentorum predicto-
 rum. nec de et si sit ad dampnum vel iudicium
 nrm vel aliorū sit ad qd dāpnū ē. quibz quātū
 ē quomodo ē de cuius feodo totū illud ē fra sūe
 de quo vel quibus teneant. s. per quod. seruū et
 quantum valent per annum in omnibus ex. Et
 si terre et tenementa predictorum J. et B. rema-
 nent vltra predicta terras et tenementa qd s. et
 sēbus predictis sic adqueit suffic. ad seruū et
 conser. tam de predictis tenementis sic adqueit qd
 de tenementis predictorum J. et B. retent. debet
 sat et ad omnia alia enozmta ec. Et qd idē J. et
 B. in assisa ec. p. vt si fcoffamet. f. predict. pōt
 consueuerunt. ita qd pñma per fcoffamenta illa
 in ipsorum J. et C. defectū magis solito onerent
 seu grauent. s. inquis inde dist. nre s. ap. facta
 nobis in cā nra sub sigillo tuo et sigillis eorum
 p. quos facta fuerit sine dilatione mittas. Et hoc
 breue Teste ec.

This wytte lyeth where a man selleth
 oꝝ gyueth lande oꝝ tenement to anye
 house of religion in mortmain, at the
 beppyninge it is conuenient that thys
 wytt be sent to the cshetour of the same
 countie where these landes, oꝝ tenemen-
 tes are, to enquire the extēt of the lāds,
 and what preiudice shalbe to the king &
 to the chiefe lordes, if they be solde to
 mortmayne. And whan the Cshetoure
 hath

hath enquired these pointes & other circumstances copysied in the writ, he shall returne the writ according as it is founde by the enquest, & after that, he shall make fine to the king for the alienacion of the landes & tenementes. And than he shall haue a Chartour of licence. For the statute de religiosis: will that no man shall sell landes or tenementes to mortmain.

Be no man shall take landes in such manner and if he do the land shall be seised in the kings hand, as Esccheit Et vide Magna Cart cap. 36. which beginneth. Non liceat alienari &c. And the statute of West. 2. Cap. 32. which beginneth. Cum viri religiosi. &c.

A writ de quo warranto.

Rex hic salutem Sum p bonos sum. A. qd sit A writte of Record Justic nris apud westm tali die ostens Quo waranto quo warranto tenet vissi franci plegii in vill de is such. Et in iudiciu hndredi nostri de B. sine licentia & voluntate nra vel pdecessoru nrozū quondam regū Anglie, & emendas pro transgē assise panis & serutie in eadē cepit in iudiciu nrm non modicu & grauamen, vt dic. Et habeas ibi sum et hoc breue. Teste. &c.

This writ lieth where a man vsurpeth certein franchises against the kyng, as to haue wayffe strayffe market, faire court baron, or other suche like without good title, and withoute the kinges licence, and that be presented afore y Justices of Eire, when they are in those
par:

parties to what such franchises are usurped, then that go to the fore said writ for the same to the Justice, that he cause view to come that hath usurped the franchises, at a certain daye afore the same Justice, if he may not shew a good warrant, or if he come not, then the king shall take fro him his franchises. And note ye & this writ may not be determined afore any Justice, but the Justice in Cite and no process lieth in this writte but he shall be warned upon his parill.

¶ Addition.

2. 2. 4.

Note ye if the king graunte to any man franchises to haue a Gaole, if he will not make cost to haue deliuerance, but holdeth the people in prisō that are take for suspect, the kinge hath cause to seale the franchises in his hande though he let within his franchises, so that he maye enquire of such felons, he hath no power to deliuer the, but they ought to be deliuered afore iustices of the Gaole deliuer.

3. 1. 1. 30.
p. 10. 34.

If a man hath a market to holde euery weke of the friday, & he holdeth the market bothe of the friday, and of s. monday in this case nothinge shall be forsayed, but that, that he hath usurped, but if a man hath a saue to holde .ii. daies and he holde the s. i. daies he shall forsaye all

at for that, that he hath misused þe fraun-
ches and if a man hath a sayre to holde þe
friday, and he holdeth that on the mon-
day the fraunches is forfait, and he shall
make fine for the misuler.

¶ A writte of Idemptitate nominis.

Rex. Dilectis baronibus suis salutem cum. **I.** per
nos et nosse distinguatur in com. h. ad solvend
bi. marcos ad op. nostru. p. quod breve in Cant.
nostra per ipsu. **I.** impetratu. ut dicit. Et idem **I.**
nullu. de in Cant. ut a pro fine nobis protestantib.
impetrant, sed pro idemptitate cuiusdam hominis
idem nomen et cognomen portantis eodem tempore
existent per ministros eiusdem vic. ad eand. pecu-
niam nobis prestandam distinguatur ut asseris
vobis mandamus quod fieri de super diligenter in-
quire si inveneris ita esse tunc ministros predictos
ad distinguendu. predictu. **I.** occasione predicta de
rectore faciendum disticti fac. Et disticti si que ea oc-
casionem necessitas sine dilatione deliberari fac. &c.

¶ This writt lyeth in case wher any writt
of Det, Trespas, Couenant accompt,
or any such lyke is sued against a man,
and another man þe hath the same name
as he hath against whome the writte is
brought) be taken for him, then he that
is so taken shall haue this writt, by vertu
wherof the shirife shall make enquire a-
fore Justices assigned in the same county
if he that is so take or distreined be guilty
or not, and if he be not guilty, he shal go
quit. And if he be guilty, as the writt sup-
poseth

I writte de
Idemptitate
nominis is
suche.

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poseth, he shall answer the party that
sued the first writ, and in y same maner
may this writ be sent to the Justices of
the comon banke, or to y tresorer and
barons of the Exchequer & to elcheours
of supra.

CA writ de Recto sur disclaim.

Writte de Recto sur dis-
claim is such in com tuo, p breve nostrum inter A. & B. de a-
ueris ipsius B. captis, & iniuste detentis ut dic.
Et sum et pdicta B. quod tunc sit tibi ad respon-
dendi pfacto B. & seruic sibi debet facere. Et heas
et. tunc et. Cum ista clausula, quia talis dicit de
feodo suo pro conf. & seruic sibi debitis et.

This writte lyeth wher the lord in the
kinges court. s. in the comon place a-
uowe vpon his tenant, and the tenant
disclayme to holde of hym, vpon this
disclaymour the lord shall haue this writ
and if the lord maye auer and proue that
the lande is holden of him he shall reco-
uer the land soeuer, but wher y tenant
disclaymeth in court baro, or in y county,
the lord shall be amerced, and shall not
haue this writ, for that, that the disclay-
mour is not of recorde, and all this pro-
ueth the statute of West. 2. Ca. 2. which
beginneth. Quia domini feodorum, et.
And the Proces in this writte is So-
mons, graunde Cape, and petit Cape.

Addicion.

Note ye in what wyttes disclaimeour
heth: in a *Per que seruicia* & tenant shal
not disclaime, for the demaundant maye
not recouer the lād if it be sold, against
the tenant: for that, that he demaundet
nothing but attournement. p. 4. c. 4.

In a *cessante* the ternaunt shal not dis-
claime, but he shal say that he holdeth
not of him.

Note ye that in a uolwry the husbände
and y wife maye not disclaime, and for y
the wifes lands shal be lost. p. 10. c. 4.

Note ye: that he in the reuercion and
the tenant for terme of yeres maye dys-
claime against a baile. p. 12. c. 4.

Note ye that the tenant in fee simple
may not disclaime against y tenant for
yeres of the leignorie. p. 3. c. 4.

Here beginneth the Iudiciall wyttes
that are grounden vppon recoueres
in the sayde wyttes.

A writt of *scire facias*.

Rex hinc salutem Cuius & R. in carta ec. call die
R. anfr recogit se debet p. 12. c. 1. quas ei reddi
dille debet in festo p. Martini rāc p. 1. sequen
s. 12. c. 1. p. 12. c. 1. C. 1. eide p. 1. nondum reddi
dit prout ex g. 1. querela ipsius p. 1. acceptimus
Et quia volumus ea q. in dca eue nostra recte acta
sunt debet executioni demandari vbi precipimus
quod per probos & scire facias p. 1. c. 1. q. d.
Et c. 1. ec. call die & c. ostensib. si quod pro se ha-
beat

beat vi die sciat quare predicti C. li. de terris et
cat spm in bellum tua fieri p. v. d. M. reddonon
debeat si sibi videris expedire Et has in nomina
na eorum per quos ei scire scisti, et hoc v. d. C.

This writ is Judicial, and lieth where
a man hath recovered det or damages
by iudgement in y^e kings court, & goeth
out of the recozde after the yere and day
of the firste iudgement than for that, that
it may be supposed that he hath made re-
lease or other acquittance of that, that he
hath recovered, he shall haue this writte
by which writt the partie shalbe warned
that he be afoze the Justices at a certain
day to shew why execution of the iudge-
ment shall not be made & if he come not
at y^e day, or if he come & can nothing say,
but that execution shal be made accordig
as he hath recovered, the he y^e recovered
shal haue a writt of *Fieri facias* to y^e shiriffe
that he make execution of the iudgemēt
to the pleintife, and that is by the sta-
tute of Westm. 2. Cap. 45. which begin-
neth *Quia de his que recordata &c.* And
that will that no proces nor delay be in
the saide writt, and of that, that is founde
inrolled afoze the Justices of the commō
banke as of fines leuied contractes, ob-
ligation, and recognysaunces that are
recovered afoze them, and enroiled
in the Kings Courte, the partpe that

is greued neede not sue a writ at the com-
mon law, but he may goe to the record &
if the recognisance be within the yere
and a day, then he shall haue a writ of exe-
cution to execute the same recognisance
that was made afore the Iustices of re-
cord, and if the yere and the day passe af-
ter the cognisance made, then he shall
haue a *scire facias* to shew that he cause
the party come at a certain day, as it ap-
pereth by the said statute.

Addition.

Note ye: that in these cases a mā shall
haue a *scire facias* within y yere. If a man
recouer det against a woman y is vnma-
ried, and within the yere she take a hus-
bande in this case he that recovered shall
not haue a *fieri facias* for he may not sue ex-
ecution of the goodes of the husband, but
he shall haue a *scire facias*.

If a man of religion recover damages
and bleth within the yere, his succellour
shall haue a *scire facias* and not a *fieri facias*
thoughe that it be within the yere.

Note that it was sayd that a mā shall
not haue other execution of rent seruyce
recovered, but to disteine Quere A. *scire*
facias brought against a. of damages wher
the shirfe returned, that the one was
warned, & that the other hath nothinge,
& the plaintife prayed execution at his
peryll

20.14. C. 3.

20.14. C. 3.

20.1. D. 5.

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peril, & it was said that in so much, & the one was not warned he maye not haue exec. afore the proces determined against the other. **¶ A writ of Fieri facias.**

A writte of Fieri facias is such.

Rex vñ salutē. Precipim⁹ tibi qđ de frus & cal⁹ in balium tua fieri fac. Et si et cas habeas corā Justic nostris apud westm, tali die ad red⁹ dēdū B. quas et in curia nostra coram Justic nostris per consider etiusdem curie nostre adiut⁹ cat fuerūt p dampnis suis, que habuit occasiōe quod p̄dictus B. cum intus impediuit presētare iloneā personā ad ecclesiam de B. p̄out p quādam inquisitionē quā per te nuper fecimus conuictus fuerit teste &c.

This writte is iudiciall & lieth where a man hath recovered det or damages in the kinges court, then he that hath recovered shall haue this writ to p̄shirise cōmaūding him that he leuy the det or the damages of the goodes of him againste whom the recouere was had and lieth al times within the yere and the daye, and is geuen by the statute of west. 2. Ca. 18. which beginneth: *Quin debitum.*

Addicion.

2.6.C.4. n.

If a Fieri facias, to leuy. xx. li. be directed to p̄shirise. & he returne qđ fieri fecit. x. li. quas habeo diē &c. at which daye he hath not the money & a newe shirise is choīē, in this case he that recovered shall haue a scire facias, againste the aunciēt shirise to shew why he shall not haue execution of the. xx. li. and if he can himselſe discharge then

than hee that recovered shall haue execu-
tion against the ple. for the by fieri facias, or
elegit.

If a man sue execution vpon a statute
merchant, and the landes of the recogni-
sor are extended & put in execution, and
the landes are extended to hys, the recog-
nitor may pray that the landes be deliue-
red to exteours, and he shal haue execu-
tion against them by the statute of Acto
Burnel by a fieri facias. C. 11. E. 3.

If a man hath iudgement in Detinue
execution shall be awarded by distress a-
gainst the defendant, and a fieri facias of
damages. M. 6. R. 2.

A writ of Elegit.
Ex vi. salutem. Cum A. que fuit bro. B. in
curia nostra coram iudic. nostris apud W. per
considerationem in eisdem curie recuperasset
verius. C. de B. r. li. quas idem C. in eadem
curia nostra tali die et An. ec. cogn. se debere pre-
fato A. unde et reddidisse debuit. x. li. ad festum
tale ec. et. x. li. ad festum tale ec. tunc pro. sequet
et illas et nondum soluit ut dixit. Et postea eade
A. hen. in curia nostra, et elegit sibi liberari om-
nia bona & cat. predict. C. preter boues & affras
de curia sua, & sibi medietatem terrarum sua-
rum et tenementorum suorum p. rationabile pre-
tium & extent. tenent. ut liberum tenn. suum iuxta
formam sta. A. si ind. p. p. quousque predictas
r. li. inde leuauerit, & in eo tibi preceptimus quod
omnia bona & cat. predict. C. preter boues & affras de
curia sua & sibi medietatem terre et tenn. suorum
in ballia tua eidem A. sine dilatione deliberari
facias.

for p ronabile pzeiti e extit tenend deliberti teli
sibi e assign suis in forma predicta quouique. xii.
li. de pzeiti. xl. li. inde leuauit. e quali f hoc pzeiti
nostrum fuet extenti scire facias rustie. n. h. apd
w. in oct ac Et habias ibi et. Et hec.

This wytte lyeth where a man hath
recovered det o; damages in the kyngs
courte, and the summe of the Det o; da
mages may not be leuyed of the goods e
cattalles of him agaynste whome the det o;
damages wer recovered, thā he that hath
recovered shall haue this wytt directe to
the shyrife cōmandinge him that he make
deliuer of the halfe of all the lands o; te
nementes, e all the goodes excepte oren
and beastes of h's plough. And note that
the halfe of the said lande shalbe reasona
bly extended, and he shall holde the sayde
lande, and these other goods vnto p said
summe be leuyed of the said issues e pro
fites of the land and goods of the detto;
and this wytt is retournable.

¶ Addition.

¶ Note ye: that an abbot recovered da
mages and prayed *Elegit* e it was granted

¶ Annuitie was recovered, e the plain
tiff sued the *Fieri facias*, and the shyrif retur
ned that he hath nothing, and the plain
tiff prayed *Elegit* and h's prayer was demied
for that, that he hath chosen *Fieri facias*.

¶ And note ye: if a man wout plee know
ledge in courte him to be holden in det to
paye

p. 20. c. 3.

c. 10. c. 3.

p. 1. c. 3.

pay at a certayne day, the conise shall not
haue this Elegit, for y^e y^e conisour was
not broughte into the courte by proces of
the law, that is to say by wyte of Det, &
is the statute of westm. 2. Ca. 18. is to be
vnderstand.

A writ of Habere fac. seisinam,

Rex vic. salutē. Scias qd cū A. in cur. nra. corā
Iustic. ac petierit versus B. vnu mel. cū p-
tisi in B. postea veni in eadē cur. nra. & vocauit ad
wart. B. qui quidē B. predict. mesangium cum p-
tisi in cur. nra. &c. per defaultā amisit scdm qd cōsi-
derat euit in rādē cur. nra. qd pōit B. recuperat
inde seisinam versus predict. B. & predictum B.
habere de terr. pōit B. ad valenc. ten. &c. Et ideo
tibi preceptimus qd idem A. sine di. ac. plenam sei-
sinam habere fac. Et predictum B. de terr. pōit
B. ad valenc. eorūdem ten. cum pōit in loco cō-
pōit habere & assignat seisinam fac. Telle &c.

**A writ of ha-
bere fac. siam
is such**

**This writ is Judicial and a writ of ere-
cucion, and lyeth where landes or tene-
mentes are recovered in the kings courte
hee that hathe recovered shall haue thys
writ commaunding him to deliuer seiso
the writ is not retournable.**

A writ of Capias ad satisfac,

Rex vic. salutē. Et tibi quod non omittas p-
tisi quā libertatē &c. quin capias B. si inuēus
tuerit in ballia tua & est saluo &c. Ita qd habe-
as corpus eius coram Iustic. &c. tali die ad satisf-
faciendū B. tam de. xl. s. quos B. in curia nra. re-
cuperavit versus eum quam de. v. s. qui et addi-
dicit fuit pro dampnis suis, qui sustinuit occasi-
one detentionis debiti predict. Et habeas ibi hoc
byrue. Telle &c.

**A writ of Ca-
pias ad satis-
fac. is such.**

p. ii. This

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This wyte lyeth where a man recou-
reth det or damages in the kings court
and he against whome the det is recou-
red hath no landes nor tenementes nor
sufficient goods wherof the det maye bee
leuyed, than he that recovered shall have
this wyte to the shirif commaunding hym
that he take the body of him against who
the det is recovered, and he shalbe put in
pysion vnto satisfaccion bee made to him
that recovered. And note, that these.iiij.
wyttes nerte aloze, are wyttes of execu-
cion.

A wyte of Capias vtlagatum.

A wyte of Ca-
pias vtlaga-
tum is such.

Rex vñ salutē. Et tibi q non omittas propter
aliquā libertatē in ball' tua quin capias R. vt
lagatū in com. S. tali die & an. ad sect B. de plac
to rñsg. prout ec. si inuentus fuerit & saluo ec. I
ta quod habeas corpus eius ec. tali die inde sac-
tus & recepturum qd curia nostra consideret in hac
parte ec.

A wyte de Capias vtlagatum in- quiras de bonis & cat.

A wyte of Ca-
pias vtlaga-
tum inquiras
de bonis & cat
is such.

Rex vñ salutē. Prec. tibi quod non ec. quin p
sacrament proborum & legal' hoim in eo ē com-
tuo, diligens inquiras, que bona & cat, terrē, & tefi
A. de B. habuit in ballua tua die & anno ec. vel
vñquam postea, quo die idem A. vtlagat' fuit ad
sect R. C. pro compoto suo idem R. D. reddat
tempore quo fuit receptor denariorum ipsius R.
prout vis nōstē Eboracēsi Iustic. nostris apud
westm in Octauis sancte Trinitatis nunc proz.
sequens mand et illa per eorum sanctam extendi,
et appreciari fac, iuxta verum valorē eorūdem.
Et

Et ea que p inquis. illā inueneris, in manū nostrā capias et saluo custodire fac et extincet, & appretiationem illam, quam inde feceris, scire fac. Iusticiis nostris apud westm tali die, distinct & appte sub sigillo tuo, & sigit eorum per quorum sacramentum extent & appretiationem illam feceris, ac pro eo quod idem A. delingat vagar, et discurrat in balliua tua in nostri & corone nostre preiudicium ut accipimus q̄ predictum A. ubicunq; in balliua tua tam infra libertates quam extra inuenire contigerit capias, & eum saluo custodire facis, ita quod eum habeas coram Iusticiis nostris apud w. ad p̄fectum terminum ad faciendū & recipiendū quod curia nostra de eo cons. in hac parte, & habeas ibi hoc breue. Teste. ec.

This writte lyeth where a manne hath sued a writ of Exigent, & hee againste whom the Exigente is awardeed cometh not at the day of the exigente retourned, than the plain tife shal haue the said writ directed to the Shirife of the county wher the exigent was awardeed) to take the body of him that is outlawed. And soe saye that a man may haue as manye writs as he wyl, for that, that it is so, the kinges aduantage.

A writte of Quid iuris clamat.

Rex vic. salutē. Prec. tibi quod distringas A. p̄ p̄missis terras & cat̄ ec. Et quod de exit ec. Et quod habeas copias eius coram Iusticiis nostris apud westm tali die ec ad cognoscendū quid Iuris clamat in vno messu pertini in B. quod J. de C in curia nostra concessit B. per finē inter eos factū & audiendū ec. Teste ec.

A writte of qd iuris clamas is such

P. iii.

This

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This writtelyeth where I graunt the reuerſion of my tenaunt for terme of lyfe by ſync leuyed in the kynges courtte, and the tenaunt will not attourne, he to whome the reuerſion is graunted ſhall haue this writt to charge him to attourne And note if the tenaunt for terme of lyfe claime ſee ſimple in the tenementes, and it is founde that he hath no ſee ſimple, he ſhall recouer ſeiſon of the land. **II. 10. C. 3.** And he that hath ſee taile ſhall attourne aſwel as he þ hath but free hold per **Mettingham**, but I ſuppoſe the lawe be contrary. And the **Proces** is, **Somons**, and diſtreſ infinite,

Proces

Addition.

C. 45. C. 3.

Note ye if land be leſſed for terme of lyfe, and the leſſour graunt that the leſſe ſhall not be troubled for waſt, & after the reuerſion is graunted to a man and his wyfe by ſync, who bringeth a *Quid iuris clamat*, in this caſe if the leſſe ſaye that he is ready to attourne ſaying to him the waſtage of the dede, it is conuenient, that the huſband and the wiſe knowledg þ dede otherwiſe the leſſe ſhall not be compelled to attourne.

C. 44. C. 3.

In a *Quid iuris clamat* brought by an Infant, and ſuch matter as afore is pleaded the infant may not knowledg the dede,

In

In *Quid iuris clamat* the tenant saide that the comsour held the same land of h^e king in chiefe and demaund iudgement without shewing the kynges lycence, & than the demaundaunt shewed the kynges lycence o^r otherwise the ternaunt should be charged with a fyne for that alienacion & then the tenant atturnd.

D. 45. C. 3.

If the king graunt to me the seruyce of his tenant I may auowe without atturment, for I maye not haue a *per que seruicia*, no^r *Quid iuris clamat*, by *Hardun*.

M. 12. C. 3.

A writ of *per que seruicia*.

Rex vic. salutem. Presti quod dist^r J. p^r oēs terras ec. Et quod de exit ec. qd habeas ec. tali die ad cognoscend^u per que seruic^u tenet vnū m^r cum pertinentiis in S. quod J. de C. in cū n^ra concepit B. per finem inter eos fact^u, Et ad audiend^u ec.

A writ of per que seruicia is. lach.

This writte lyeth where I graunte the seruices of my ternaunte for tearme of y^elfe, ternaunte in taylor, ternaunte in fee symple to a straunger, by fyne leuyed in the kynges courte, this ternaunt will not attourne to the same graunt, thā I graūt shal haue this writ against the ternaunte and compel him to atturnd. And the proces is *Domons* and *distres* vnto the party come.

Proces

Addicion.

M. 9. C. 3.

Note ye, yf the ternaunte holde of twoe in comon, yf the one graunt the seruices

p. iiii.

by

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by fyne the tenaunt shal not attourne.

H. 5. C. 3

The services of a tenant was graunted to h^e husband, & the wifes to h^e heires of the husband. & they brought a *per que ser* uicia, the tenant said that hee hath acquittal of h^e cognisour, and sauing to him hys acquittal he is redy to attourne, & the husb^{and}e knowledged the acquittal to hym & his heires, & so note ye that the heir of h^e husband ought acquite the tenant after h^e death of the husband in the life of the wife for the wife may not bind her to the acquittal during the marriage.

A writ of que redditum reddi is such.

A writ of *Quem redditum reddit.*

Ex vic. salutē. Hec tibi quod dist. B p offes terras ec. Et q de exis ec. Et habeas corpus eius ec. tali die ec. ad cognoscend quem reddit reddit exeunt de vno mel. compertū in A. qd I de f. in curia nostra ec. cōcessit B. S. p. finē inde inter eos factam & ad audiend ec. Et habeas ec. Telle ec.

This writ lyeth where a man graunteth to another by fyne leuyed in the kingz court a rent Seck, or a rent Charge goyng out of another mans lande, and the tenant of the lande will not attourne to the graunt, than the graunte shal haue this writ against the tenaunt of the lande to cause hym attourne. And the Process is as in the writ next afoze. And note ye that these thre writtes are Iudiciall, and lyeth of fyne leuyed in the kinges court,

Addi

Addition.

In a **Quam** **ad** **re** **reddidit** the defendant
demanded hearinge of the deade of the
graunt and the plaintife shewed the fyne
for consaccaded; and hee was awarded
to shew also þe dede for he ought to shewe
tytle in this wytt how the rent did begin.
And note þe that in these thye writtes
nexte afore it is no plee to saye that they
were not tenauntes the daye of the wytt
purchased, but oughte answer þe if they
were tenaunte the daye of the note leuped
for these writtes ought to bee broughte a-
gainst him that was tenaunt the daye of
the fine leuped.

D. 30. B. 6

D. 8. B. 6

A writ of venire facias.

Rex vlt salutē. Prec. tibi quod venire facias corā
iusticiariis ec. tali die. xii. tā milites quā alios
liberos & legales hoies de villa de B. quorū qui-
libet habeat xl. s. terre & tēh. vel redditum per
annum ad min⁹ p quos rei veritas melius sciri
poterit et qui nec. A. nec B. aliqua affinitat at-
tingunt ad recogn super sacrañ suū. si w. cōfā-
ganeus predict A. catas heres ipse est & fuit nū
in manerio de B. cū pertiñ in dominico sup. vt de
leodo die quo obiit. Et quod idē A. in cū nra ac-
corā ec. clamat vñ ius suū verlus eum sicut idē
A. dicit vel non sicut predictus B. dicit. Quia tā p-
dict B. quam predict A. inter quos inde contētio
est posuit se in iurata illā. Et habet ibi nomina
iurat et hoc bñe testē ec.

A writ of be-
nificat is such

This write is Judiciall and goeth oute
of þe recoorde, and lyeth where two par-
ties

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types pleaderth and cometh to issue. s. by the saying of the countrey, than the ppe plaintiff or the defendant shall haue this writ directed to the shirife that he cause to come. xii. lawfull men of the same countrey to say the truth bypon the saide issue taken. And the enquest come not at y day of this writ returned, than shal goe an *Habeas corpus*, and after a distress vnto thci come, and when they come at the daye of the defendaunt challenge many of them because y they are not sufficient to passe bypon the saide issue, than y pleintife shal haue a writ that is called *Dei tales*, or *Dei tales* or as many as is nedefull.

Addicion.

9. 19. C. 3

C Note ye: that in these cases folowinge the enquest shalbe taken by default. In a nowre for rent seruice the pleintife pleaded out of his fee. &c. And bypon that they were at issue, & after the auowant made default, & the enqueste was taken by hys default: for that, that it was y secōde daye after the enquest toynded, but if it were y first day, thā he shalbe distreined to heare the Iure.

9. 7. C. 3

C Note ye: that these cases folowing the Iure shalbe taken by default.

In a writ of annuittie the defendaunte sayd that at the day of the making of the dede he was within age, and bypo y they were

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that the Shrike is cosin to the wife of the plaintife.

In.16.
E.3.11.80.

In assise the rape shal not be quashed for that, that the Shrike hath married the sister of the plaintife (except he save) and so the rape made in a favourable maner.

Note the causes of challenge for consanguinitie.

10.3.12.6.

A Jurour was challenged: for that, y he was cosyn to the wife of the defendant wherfore he was drawn out of y panel.

E.3.12.6.

If an abbot bringe an accion, it is a good challenge to say that the Jurour is uncle or brother to a monk of y same place

Note the causes of challenge for affinitie.

13.19.12.6.

A Jurour was challenged for that, that he hath baptised the sonne of y plaintife and that was holden a principal challenge.

10.3.12.4

A Jurour was challenged for that, that the son of the Jurour hath married the daughter of the plaintife, and that is no principall challenge, except it be betwixt the partes selves, that the Jurour married the etc. wherfore these tryours enquired of the favour.

In attainte one of the. xliiii. was challenged: for that that he hath married the sister of one of the petit Jurours wives, and it was not allowed.

Note

Note the causes of challenge
for insufficiency.

In a Replevin the defendant challenged a Jurour: for that, that he was not sufficient of the freeholde. s. to say þ value of. xl. s. And by the opinion of the court that was a good challenge: for that, that the assize was for services, but if the assize had ben made for damage fesant or otherwise had bene.

C. 4. B. 7

In det. of. rr. li. and damages to. r. li. a Jurour was challenged: for that, that he may not dispende. xl. s. and for that cause he may treat by the statute.

C. 1. E. 4

Note the causes of the challenge for the hundred.

If a Jurour be challenged for that, that he hath nothing within the hundred by the plaintife and also by the defendat, he shalbe drawne out.

29. 12. E. 3

If a Jurour be challenged: for that: þ he hath nothing within the hundred, the triours shal not enquire if he be dwelling within the hundred, yf he haue any thig within the hundred, & not of the value.

30. 12. E. 1

In a writ of annuittie against a parson of a church by prescription & alleged seison in the same county wher þ church is in another hundred, the thirde Jurour was challenged, for that, that he hath nothing within the hundred where the church

C. 1. B. 1

in þ hūdzeth oz þ other he ſhal be ſwozne
 Note ye if one be ſwozne þ hath ſuffi-
 cient in the hundzed and after he ſei that
 and after hee is chalēged for inſufficiency
 within the hundzed this ſhalenge is not
 allowable: for þ, that whē hee was admit
 and ſwozne at one time it ſhal bee inten-
 ded that he hath knowledge of the mater
 now, and his knowledge by his aliena-
 tion maye not be deuſted out of his par-
 ſon.

And note ye: that after the ſwore are
 ſwozne of the hundzed, a man ſhall haue
 no chalenge to ſay that he hath nothinge
 within the hundzed.

And note ye, that after that a man hath
 chalenge the rape & that ſounde againſte
 him he may chaleng the polles.

Note ye: that when the Jurours are
 ſwozne, þ parties pray þ they maye haue
 keepers that was denyed ſitting þ court,
 but after they ſhal haue.

In attaynt after that ſoure of the hun-
 dzed were ſwozne another was challen-
 ged for the hundzed, & not allowed, yet it
 was alledged that in the petit Jure that
 firſt paſſed, oughte to be. iiii. of þ hūdzeth
 at the leaſt, and by þ ſame reaſon. 8. ought
 to be of the hūdzed where. 24. are ſwozn
 if hee that chalenged the rape will chal-
 lenge the polles he ſhall ſhewe cauſe of þ
 chal

Q. 1. B. 6

Q. 7. B. 4

Q. 19. B. 6.

Q. 12. C. 3.

P. 7. C. 3

C. 7. B. 4

challenge euerye tyme certayne afoze that
the clerke peruse the panel.

A Jurour was chalenged for fauor &
he was found by troyours that he was in
different, & afoze that he was sworne hee
was chalenged: for that, that he hath no
thing within the hūdyd. & not allowed.

A writ of Nisi prius

Rex vic salut. Prec. tui quod venire fac. apud
Westm tali die vel corā iudic. nō sitis ad pmas
assisas in com tuo capient assigñ per formam sta
tuti inde prouis. Nisi die lune ec. apud B. prius
beh. xxii. is milt ec. quā ec. ut in priori. vñ ec.
& qui nec. A. nec B. ec. ad recogn ec. Si predict
B. tali die. et anno vi s armis sz glā ad bona
& cat sua. iiii. sac cas lane ad valent. xx. marc apd
h in com tuo cepit & abduxit ut dic. quia tam ec.
Et habeas ec. Telle ec.

A writ of Nisi
si ppi? is such

This writte is Judiciall & lyeth in case
when the quest is paneld, and retur
ned afoze the Justices of the banke, than
the one party, or the other may haue this
writ for easement of the countrey direc
ted to the Shirife, commaundynge hym
that hee cause the menne that are compa
nelled to come afoze the Justices in the
same county, & there to bee determined a
foze themselfe, yf the matter be not so dis
sult that it may not be tryed afoze them
for then it shalbe sende into the banke as
afoze. And note ye: by y Statute of E. 3.
An. 14. Ca. 15. that this writ shalbe gran
ted as wel at the suit of the tenant, as at
the

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the suit of the demaundant in a writte of Trespas if the damages passe. xl. s. And note ye: that the Justices of the common banke hath power to enquire by the *fieri facias* of piers moved in the kynges court And if the Justices of the common banke may not come, then in the same manner haue the Justices of the kynges benche, power to take the *Nisi prius* of piers moved in the common banke.

Addicion.

D. 19. D. 6

In Detinue the plaintife and the garnishe were at issue, and the plaintif praye ed a *Nisi prius* and had, and the garnish had other with a *proviso*.

D. 15. C. 3

C. 21. C. 3

Note where a manne is in. *executio* vpon a statute marchaunt and *interdum* *querele*, & are at issue, a *Nisi prius* shall not be graunted: for that, that the plaintife may not be deliuered out of prison.

D. 15. C. 3

In all cases where the king is party the *Nisi prius* shall not be graunted.

A writte of Quale ius.

A writte de Quale ius is such.

Rex vii salutē. Scias quod abbas de M. nostra recuperavit suam suam versus B. de rno mesuagio cum pertinenciis in C. ut ius ecclesie sue sancte Marie de M. per defalt ipsius B. per breme nostrum quas cessant. Et quia dubia: de frande inter eos preloca contra statum nostrum in quo continetur de terris seu cō ad manum mortuam deueni quoquo modo, N- bi

Adición.

C In a Quare impedit brought by one A. against an Abbot, & they were at issue, and now the quest come, & B. was nonesste, and the court awarded a writ to the plaintiff for the Abbot, without inquiry of the collusion.

LA uoluit de Cape magnam. **RE** dicit sanct. cape in manu meam p. b. s. l. q. d. h. e. h. o. m. de com. tua. n. o. m. e. s. c. h. i. p. e. l. l. i. m. q. d. d. B. s. e. n. u. i. t. x. d. i. c. i. t. p. i. s. s. i. m. e. r. e. q. u. o. z. i. c. u. b. e. r. a. n. t. d. e. m. e. n. t. i. n. b. a. l. l. t. u. a. q. d. B. s. i. t. u. r. b. r. o. z. C. m. e. u. s. e. f. a. c. o. m. e. c. c. l. a. u. a. t. d. e. m. e. n. t. i. b. e. r. s. p. d. i. c. t. i. B. s. p. d. e. f. a. c. i. u. r. i. p. h. u. s. B. s. i. d. e. n. t. e. s. C. s. u. m. e. c. p. o. n. t. B. s. q. d. s. i. c. q. c. t. a. l. l. d. i. c. r. e. s. p. o. n. s. e. t. o. d. e. r. e. q. u. e. r. e. n. o. s. s. u. n. t. r. e. q. u. a. p. t. a. l. l. d. i. c. q. d. p. d. i. c. t. B. n. o. h. a. b. e. t. a. l. i. q. u. a. s. r. e. r. a. s. s. e. t. i. f. e. n. i. n. t. e. l. l. a. t. i. p. a. q. u. e. c. a. p. i. p. o. s. s. u. n. t. i. n. m. a. n. u. s. h. o. m. i. n. i. d. e. r. e. s. t. i. t. u. t. e. s. t. i. n. e. a. d. e. c. u. r. i. a. q. d. p. r. e. d. i. c. t. B. t. a. l. l. d. i. c. i. t. a. n. q. c. r. e. n. u. i. t. p. o. t. e. s. t. m. e. s. c. i. p. t. i. b. e. l. l. u. n. d. e. p. r. e. d. i. c. t. u. m. n. e. s. c. a. p. i. p. o. t. t. u. m. m. o. n. i. u. m. n. o. l. l. e. a. m. C. s. h. a. b. e. a. s. i. b. i. n. o. m. i. n. a. r. e. q. u. i. p. i. q. u. o. z. u. m. d. i. s. t. i. n. h. o. c. s. e. c. r. e. t. i. s.

Et hoc breue te. et.
 This writ to is iudiciall, & lyeth where a
 man hath brought a *prece quod reddat* of
 a thinge that toucheth plee of lande, and
 the tenant make default at the day to
 hym geuen in the writte originall, then
 this writ shall goe for the king to make
 the land into the kyngs hand, and if he come
 not at the day geuen by the graunde Cape
 he hath lost his land. But note ye: that at
 the first daye he maye be esoynd. And
 if at the day of the graunde Cape retourn
 he cometh, he may excuse his default,
 as to saye that he was not somoned after
 the lawe of the land, & that he is ready to
 make his lawe. or to saye that he was in
 prison, or disturbed by water, & in these
 two last cases, issue may be taken by a
 iurament of the country, & for that, that iu-
 gement & knowledge of the imprisonment
 or disturbance by the water is to be tried
 by the country. But the first case shall be
 tried, as afore is sayde.

Adiudication.

In a *prece quod reddat* brought against
 one *H. filio W.* in latin at the graunde Cape
 the tenant sayd where is brought against
 the sonne of W. our father hath a name
 Edmond, iudgement of the writ & it was
 sayd that the tenant hath made defaulte
 in whose mouthe no plee lyeth afore that

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he hath saued his defaulte but it was a-
warded y^e vpon a graunde Cape y^e tenant
shall pleade y^e he is mysnamed in abate-
ment of the writ afore the defaulte saved
& that is for the myschief of the warrant:

A writ of Cape percurum.

A writ of Ca-
pe percurum is
suche.

Recit salote. Cape in manum nostram bull
mes et. qd in. in curia nostra et. clamat de
sum portus. & p^{ro} defectu ipsius. & clamat
bonos lura p^{ro}dem. & qd sit et. tali die et. ad audi-
endum inde iudic. Et habcas et. teste et.

This writ lyeth in case where y^e tenant
is summoned in p^lce of land and cu-
meth at the Somons and bys apparace
is of recorde, and after he maketh default
at the day that is geuen to him then shal
goe this writ for the king. And note ye
that a petit Cape lyeth after apparance
and a graunde Cape afore apparance.

Addition.

E. 2. d. 6.

Note ye: that in a graunde Cape the te-
nant is somoned to answer to y^e default
and ouer to y^e demandant. But in a pe-
tit Cape y^e tenant shalbe somoned to an-
swer to the defaulte onely, & it is called a
petit Cape: for that, that there is lesse in
this writ then in the graunde Cape.

E. 39. C. 3.

In a precept quod reddat brought by a wo-
man at the petit Cape returned, the te-
nant saide that after the last continuance
the demandant hath taken a husband.

Iudge.

indgement of the iurat and it was adioy-
ged that, that was no plee afoze that he
hath saued hys defaunte.

In a fomedon the tenant appeared 29.40.E.3
vpon the petit Cape, & wold haue pleded
that the demaundant hath entred after
the last continuance without sauing hys
default, but he mighte not, and after he
pleaded a release of all the right.

CA writte of Cape ad va-
lentiam.

Rex vobis salutem. Cape in manum nostram per **I** writte of
vobis legalis hominem de com tuo de terris **I**. p. 10 Cape ad valē
defecto ipsius **I** ad valentiam vobis mes. cu p. tiam is luche.
tū in **I**. qd E. in cur nostra corā Justic nostris
clamat de ius suum verū **R**. vnde idē **R**. in cas
curia nra coram iustic nris vocauit pdictū **I**. ad
warrantandum verū eū & diem captionis sciē
factas Justic nris apd w. p. itas tuas sigillatas
Etiam ex pdict **I**. qd sit corā ec. tali die respōs.
et ostend. quare non obseruauit diem sibi datū p
essonium suum coram Justiciariis nostris tali
die. Et habeas ibi nomina corū per quorū visū
hoc feceris ec. teste ec.

This writte lyeth where **I** am implea-
ded of certaine landes, and **I** vouch to
warrant another againste whom the
Somons ad warrantandum hath been awarded
and the Shyffe hath retourned that he
was summoned and cumeth not at the
day geuen, than if the demaundant reco-
uer against me, **I** shall haue this writ a-
gainst h vouch, & **I** shal recouer somach

in value of þ lande of þ bouche if he hath
so much, & if þ he hath not so much, thā I
shall haue erecucion of such landes, & ter
nemētes þ discēdeth to him in fee simple
oz if he purchase aft. I shall haue against
him a resomons, And if he can nothinge
say, I shall recouer to þ value. And note
ye þ this writ lyeth afore apparāce. And
in the same maner lieth þ petit Cape ad
valentiam after apparance.

A writ of Sum ad warrantizandum.

A writte of
Sum ad war
rantizandum
is such.

Ex viē salut. Sum p bonos sum I qd sit ec.
R tali die ad wart w. vñ mē cū pñ in p. qd
B. corā iustic nris apud W. clamat vt ius suum
pñs eum. Et vñde J. de W. in eadē curia nra
vocavit pñct A. ad wart versus cū ec. Et habet
as ibi sum. Et hoc breue erte ec.

This writt lyeth where I bouche to
warrant another man thē I shall haue
this writt against him to the shirife com
maunding him that he somon þ bouche
to be afore þ Justices at a certain day at
which day if he come not, than shall goe þ
graūd cape, & if he cōe, & aft make default
thē shall go þ petit cape, as is aforesaid.

A writ of Sequat sub suo periculo.

A writ of Se
quatur sub
suo periculo
is such.

Ex viē salut. Sum p bonos sum E. qd sit co
ra Justic nris ec. tali die ad wart J. vñ mē cū
cum pñ in p. qd B. corā Justic nris apud W.
clamat vt ius suum versus eum vt, erte ec.

This writt lyeth where a Somons
ad warrantizand is awarded. And
the shirife returns that he hath no
ching

q. part of the lande p. any other thing p
is in plee for defending him against the
partie, then the party grieved shall haue
this writ against a stranger.

Q. 2. C. 3.

Q. 2. C. 3.

C Note ye: that it is no diuersitie whe-
ther the partie sell the land hangyng the
writte and where he geueth the lande:
for that, that it is prohibite by the lawe.
But a man maye make a feoffement to
his vse hangyng the writ.

I. 6. C. 3.

C The father and sonne are, and the fa-
ther is impleaded, & hangige the suite he
infeffeth his sonne, this is no Champerty
for by every lawe it is intended that the
sone ought ayde his father. Loke y. stat
De articulis super Cartas. Cap. 12.

Q. 13. R. 2.

C Note ye, that it is laide, y. if a man sell
his land to me, & after the land is deman-
ded against him by writ, and he hangig
the writ make liure and seison to me of
the same land that is no Champerty for
that, that the bargain was not made for
suche cause.

Q. 41. C. 3.

C In det it was alwarded ec. y. if I bring
a writ of forme don against one A. in y
name of one B. if I recover to my owne
costes & than B. me enfeoffe that is cha-
perty ec. But if I refuse to take the scof-
ment for dout of Champerty, & comaund
B. to make a feofemēt to another that is
no champerty ec. quere.

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Cum privilegio

mandum solum.

signum

signum

signum

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ॐ नमो भगवते वासुदेवाय ॥ १ ॥